MYSORE GOVERNMENT, GENERAL AND REVENUE SECRETARIAT
JUDICIAL DEPARTMENT

Subject Leg. Council **File No:** 6 of 07
The Mysore Police Regulation

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Serial No.	Communication No.	Date	From or to whom	Subject in abstract
1	Letter	10.7.07	K. P. Puttanna Chetty to the Dewan	Requesting sanction in writing for the introduction of the Bill before a meeting of the Leg. Council
2		10/14.7.07	From the Dewan to Mr. K. P. Puttanna Chetty	Conveys sanction.
3	Notice	16.7.07	From the Secy. to Leg. Council	Gives notice of his intention of making a motion for leave being granted for the introduction of the Bill at the meeting to be held on the 27th inst.
4	Abstract	Proc. of the Council		Contains Mr. Puttanna Chetty's speech on the Bill and permission of the Council given to the above.
5	No. 27/L.C.	26/7/07	Sampige Hymavathi Gazette	Directs the publication of the Bill for general information
6	The Police Bill as published			published in the Gazette after introduction, with the statement of objects & reasons
7	56-67/L.C.	2.8.07	Members of the Council	Forwarded copies of the Bill as required by the Leg. Council Rules, with copies of papers printed in Council thereunder by Hours on the 3rd of the Police Office the Superintendent for the Drafts of the Council at to revise the previous & report of the above
8	1/Leg	13.8.07	Leg. Hymavathi Leg. to From Mr. K. P. Chetty	A Notice has been made for the recital Bill at the meeting held on Wednesday
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Serial No.	Communication No.	Date	From or to whom	Subject in abstract
10	Report of the Select Committee			
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12	~~Same~~		Copies of the Report	with the Bill printed therewith
13	280-51 L.C.	25/1/08	Members of the Legy Council	Forwards copies of the above.
14.	Abstract proceedings			containing the discussion on the Bill
15	Copy of the Bill			incorporating the amendments passed in the Council
16.	———		as sent to the Governor	
17.	Abstract proceedings			of the Council passing the Bill finally.
18.	Copy of the Bill			containing the Governor's signature in token of approval of the Bill by H.E. the Governor
19	———		as published in the Gazette	

R No 1

To

V.P.Madhava Rao, Esquire.,C.I.E.,

Dewan of Mysore,

Dated Bangalore the 10th July 1907.

Sir,

I beg to request your sanction in writing under section 12 of Regulation I of 1907 for introducing the Police Bill, a bill to consolidate and amend the law relating to the Police of Mysore, at a meeting of the Mysore Legislative Council.

I have the honor to be,

Sir,

Your most obedient servant,

Signed) K.P.Puttanna Chetty.

Member of Council.

Dewan's order

Permission granted.

Intialled)V.P.M. 12-7-1907.

Mr L. Rao.

The printed forms for communicating sanctions to bills introduced in Council may be made necessary entries & obtain Dewan's signature in a few forms

13/7

File

17. 7. 07

(1)

Sl No 2

To

V. P. Madhava Rao, Esquire., C.I.E.,

Dewan of Mysore.

Dated Bangalore the 10th July 1907.

Sir,

I beg to request your sanction in writing under section 12 of Regulation I of 1907 for introducing the Police Bill, a bill to consolidate and amend the law relating to the Police of Mysore, at a meeting of the Mysore Legislative Council.

I have the honour to be,

Sir,

Your most obedient servant,

K Kittanna Chetty

MEMBER of Council

Permission granted

12/7/07

Submitted 2nd

CSB 15/7/07

To

The Secretary

Legislative Council

Enter in the statement of business to be prepared under rule 7.

15/7/07

SN/1507.

OFFICE OF THE DEWAN OF MYSORE.

Dated 14th July 1907.

Mr. K.P. Puttanna Chetty Member of the Mysore Legislative Council, is hereby permitted to introduce the Police Bill, a bill to consolidate and amend the law relating to the Police of Mysore

at a meeting of the said Council, subject to the rules for the time being in force under the Mysore Legislative Council Regulation, No. I of 1907.

Dewan of Mysore.

File
16.7.07

82 No 3

(3)

7 L.C. 1

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Dated, Bangalore, 16 July 1907.

To

K. Nylan Rao Esq. B.A. B.L.,
Secretary to the Mysore Legislative Council.

SIR,

Please take notice that I intend making a motion that leave be granted to introduce the Police Bill, a bill to consolidate and amend the law relating to the Police of Mysore at the meeting of the Mysore Legislative Council to be held on Wednesday the 24th of July 1907.

I have the honor to be,
Sir,
Your most obedient servant,

B. Nittappa Naykett
Member, Mysore Legislative Council

File
17.7.07

[illegible]
17/7

82/No 4

SUPPLEMENT TO

The Mysore Gazette

PUBLISHED BY AUTHORITY.

BANGALORE, THURSDAY, JULY 25, 1907.

Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Council Chamber, Public Offices, at 3 P.M. on Wednesday, the 24th July 1907 :—

PRESENT.

V. P. MADHAVA RAO, ESQ., C.I.E., Dewan (Presiding).

Ex-officio Members.

T. ANANDA RAO, ESQ., B.A., (First Councillor).
K. P. PUTTANA CHETTY, ESQ., (Second Councillor).

Additional Members.

Official.

A. RANGASWAMI IYENGAR, ESQ., B.A., B.L.
H. J. BHABHA, ESQ., M.A.
RAO BAHADUR M. MUTHANNA, ESQ.
M. KANTHARAJ URS, ESQ., B.A.
S. NARAYANA RAO, ESQ.

Non-official.

RAJAMANTRA PRAVINA C. SREENIVASIENGAR, ESQ.
V. N. NARASIMMIYENGAR, ESQ.
M. C. RANGIENGAR, ESQ., B.A.
B. NAGAPPA, ESQ., (Bar.-at-law).
SYED AMIR HASSAN, ESQ.

K. MYLAR RAO, ESQ., B.A., B.L. (Secretary).

PRESIDENT :—

GENTLEMEN,

Before proceeding to the regular business of this afternoon, allow me on behalf of His Highness the Maharaja to welcome you to this the first meeting of the newly-constituted Legislative Council of Mysore. We are to-day on the threshold of an important constitutional experiment, the second of its kind that has been undertaken in the State since the Rendition. The inauguration of the Representative Assembly more than a quarter of a century ago has been fully justified by the useful work it has done in its own sphere, whereby it has secured a definite place for itself in the scheme of Government. We are now, for the second time, broadening the base of the Administration by inviting the co-operation of a number of official and non-official gentlemen in the discharge of one of the most important functions of Government, that of legislation.

2. As you are aware, the objects intended to be secured by the Legislative Council are, chiefly, as follows :—

(i) To enable the people to place their wants and wishes before the Government through members qualified to represent them.

(ii) To give to legislative measures the benefit of personal discussion by a larger number of competent persons (official and non-official) than is possible under the ordinary Executive Council of three members, and from more varied stand-points.

(iii) To obtain the assistance of gentlemen (whether officials, members of the bar or others) qualified by practical experience and knowledge of the people to give advice in the making of laws and regulations.

(iv) To facilitate and ensure the consideration of the details of every measure by requiring its reference to and examination by a select committee.

(v) More than all, to provide that degree of publicity which is necessary to ensure the free and independent discussion of legislative measures from all points of view.

3. I am aware of the tendency in some quarters to question the practical value of this measure, on the ground that in constituting the Council the Government have proceeded with unnecessary caution; that certain important privileges conferred on the British Indian Councils, such as the power of interpellation and the discussion of the budget, have been withheld from the Mysore Council; and that the selection of non-official members has been kept entirely in the hands of Government.

4. These criticisms seem to me to ignore the conditions in Mysore, which make powers of interpellation to a great extent unnecessary, and the system of selection of members by His Highness the best under existing circumstances.

5. Before I take up these points, I may note another criticism that has been levelled against the Mysore Legislative Council. It was said that the Council as originally constituted did not include representatives of certain communities and interests. In the view taken by Government, the most efficient constitution of the Council is not so much one based altogether or chiefly on the representation of the different communities and interests in the State (a course which is found to be attended with practical difficulties), as one that ensures that the members selected are persons who are qualified, on the one hand, by their ability and attainments to assist the Government in the enactment of laws, and on the other, to understand and give proper form and expression to the views and sentiments of the people. There is already provision for particular communities or interests affected by proposed legislation being represented on select committees.

6. It is also a matter of common knowledge that, in the existing conditions of society, Government service and a few of the learned professions—notably the bar—attract the bulk of the intelligence and ability of the country, and until these conditions change largely, representation of the people to be effective has to depend mostly on these classes.

[*President.*]

7. Now, as regards the powers of interpellation and discussion of budgets, these no doubt have been given to the Legislative Councils in British India, but they were given at a late stage of the existence of those Councils, and you can well understand how a Native State like Mysore has to move even more cautiously than the British Indian Government in these matters. But, as I have remarked above, there is not the same necessity for granting them to the Legislative Council in Mysore as there is in British India. Mysore already possesses a Representative Assembly, in which it is open to the elected representatives of the people to make any representation they may consider necessary on administrative measures and on matters affecting the well-being of the people, and elicit information from Government; and how freely the Assembly has availed itself of this privilege from the very commencement, is a matter of common knowledge not only in Mysore but all over India. In fact, this privilege has been appreciated so much that, at the last session of the Assembly, when the question of instituting a Legislative Council was under consideration, the representatives were anxious to be assured that the constitution of a Legislative Council did not imply the withdrawal of the valued privilege.

8. As regards selection of members, I am far from denying the desirability of having the non-official members elected by a properly defined electorate, and I have no doubt that in a not distant future His Highness will be able to see his way to extend this further privilege to the people. A reference to the explanatory order which was published with the Regulation will show that the throwing open of a certain proportion of the seats on the Council to election by recognized public bodies like the Representative Assembly, is only a question of time, and has merely been postponed till sufficient experience should have been gained as to the most suitable mode of giving effect to the principle. The power to make rules in this behalf has been expressly reserved, as you will see, by section 5 of the Regulation. But I do not know if, under existing circumstances, the system of nomination by His Highness the Maharaja is not better adapted for securing efficient representation of the people than election either by the Representative Assembly or Local Boards.

9. It has again been objected that the non-official members now nominated are most of them retired officials. Far from looking upon this as a disqualification, I consider that the Council deserves to be congratulated on the fact that it has been able to secure as its members gentlemen who, having retired from the service of the State and earned a well-deserved rest, have so readily consented to place the benefit of their experience and instructed intelligence at the disposal of the Council. No one can question their representative character. They are of the people; they live in the country and own lands and other properties therein, and have as large a stake as any person can have in the stability and good government of the State and the happiness of its subjects. If they help to make good laws, they share the blessings of such laws in common with their fellow-subjects, and if the laws they help to enact are bad and trench on the liberty of the subject and are oppressive to him, they have to share these disadvantages equally with other subjects of the State. They have every claim to represent the people, and are such as would, under a system of election, secure the suffrages of any intelligent electorate.

10. One of the points of administrative reform in British India on which stress is laid by leaders of Indian opinion, has reference to the fact that high officials who have acquired valuable experience and skill in administration at the expense of the raiyat, carry away from the country all this experience and skill when they retire from the service. We are more fortunate here in Mysore in that our retired officers do not leave the country, and their knowledge and experience are not lost to the service of the people.

Influence among the people, ability to voice their wants and wishes and independence of thought and expression, are qualities necessary in every representative of the people, and it will readily be granted that retired officials possess these qualities in an equal measure with other non-official representatives, if not in a greater degree.

[*President; Mr. V. N. Narasimmiyengar.*]

11. I may also say that as far as the conditions in Mysore are concerned, I fail to see any meaning in the antithesis set up between official and non-official views of a question, or the views entertained by Government and those entertained by the people. The Government here is all centred in the Maharaja, and you know that I am indulging in no expressions of exaggeration when I say that as far as our Maharaja is concerned he has in Governmental matters no interests apart from those of his subjects. To Him we may without suspicion of flattery apply the beautiful sentiment of the poet Kalidasa, which was quoted the other day in the Imperial Legislative Council:—

प्रजानामेव भूत्यर्थं स ताभ्यो बलिमग्रहीत् ।
सहस्रगुणमुत्स्रष्टुमादत्ते हि रसं रविः ॥

"For the welfare of the subjects themselves he used to take taxes from them, just as the sun takes water from the earth, to return the same a thousandfold in the shape of rain."

12. In creating a Legislative Council and by summoning to it representatives of non-official public opinion, His Highness has given one more proof of his solicitude for the welfare of his subjects. It behoves us accordingly, by the proper discharge of the trust assigned to us, to justify the departure which His Highness has thus made in the constitution of the Government, and I have every confidence and hope that with your aid, gentlemen, the Council will fulfil the expectations which His Highness has formed in creating it.

MR. V. N. NARASIMMIYENGAR:—

SIR,

On behalf of the non-official members, I beg leave to offer to His Highness the Maharaja's Government our hearty acknowledgments for the establishment of the Mysore Legislative Council, the opening of which marks this as a red-letter day in the political history of Mysore.

We look upon this institution as the recognition and fruition of the grand central principle that the interests of the Sovereign and his subjects are identical, and that it is indispensable in the cause of good and progressive government that the ruler should be constantly in sympathetic touch with the people and should take into his mature consideration their ideals, sentiments, and aspirations in every measure of legislation undertaken for their benefit.

The elective principle is still in its infancy in India, and much more so in Mysore, although in Mysore it has the advantage of prospering under an indigenous rule. The appointment of non-official members by nomination, rather than election, was therefore at first indispensable. But it is felt by the public at large that in order to attain a full measure of efficiency, the Council should be more extensively representative, and should be able to express the sentiments of the people

We are conscious that the results of the present experimental and limited measure will be watched outside our own territories with interest, and that much discretion and self-restraint are required on our part to make it efficient, and to prevent it from becoming abortive; and it is our fixed intention so to discharge our duties in this connection as to ensure its success without, however, sacrificing any interests that may be involved in the business brought before us.

In conclusion, Sir, we beg leave to be permitted to hope that after this Council has been in practical working for some time, and when the results so far achieved will justify it, His Highness the Maharaja's progressive Government will be pleased in the fulness of time to enlarge the constitution and powers of the Legislative Council, so that it may become truly representative, and may be allowed to take a share with the Government in the administration of the country.

Bill to consolidate and amend the Law relating to Village Offices in Mysore.

MR. T. ANANDA RAO :—

SIR,

The desirability of an enactment to regulate decisions of questions relating to Village Offices has been engaging the attention of the Authorities since the days of the Commission.

2. In his letter No. 1162, dated 30th August 1877, reporting on a case in which the Commissioner of the Nundydroog Division had asked for the Chief Commissioner's sanction for revising the Shanbhogi circles formed by the Survey Department, the Survey and Settlement Commissioner incidently remarked that "in Bombay so much trouble was caused by appeals and complaints from the decisions of the local officers, and the intrigue in connection with these had become such a scandal, that Bombay Hereditary Offices Act III of 1874 was passed for the purpose of regulating the course of procedure in these cases and placing them beyond the sphere of petty intrigue."

3. Thereupon, the Chief Commissioner, Mr. Saunders, considered that the Bombay Act, commonly known as the Watandar's Act, might, with advantage, be introduced into Mysore with suitable modifications. He called for the opinions of the Divisional Commissioners and Deputy Commissioners on the subject.

4. Of the three Commissioners, the Commissioner of Nagar, Major W. Hill, considered that the Hukumnamas of Sir Mark Cubbon, then extant, were sufficient for all purposes, and did not see the need for the Bombay Act, on the ground that the very term Watan was foreign to Mysore, that the Act encouraged the division of hereditary offices and that it recognized the rights of females to succeed to village offices contrary to the Chief Commissioner's disallowance of such "woman's rights" in the matter. He was also unwilling to make additions to the Statute Book in view of the Rendition of the State then imminent. The Commissioner of Nundydroog, Col. J. L. Pearse, was of opinion that the Act should be thoroughly revised so as to suit local conditions, and suggested the appointment of a Committee in which a senior officer of the Survey and Settlement Department may be associated to deal with the subject. The Officiating Commissioner of Ashtagram, Major R. C. Cole, sent some notes on the Act showing how far its provisions were already in force in Mysore. Of the Deputy Commissioners consulted, the Deputy Commissioner of Mysore did not reply; the Deputy Commissioner of Hassan had no opinion to offer; the Deputy Commissioners of Bangalore and Kadur (Captain Cumming and Major Blair respectively) were for the introduction of the Act; the Deputy Commissioners of Kolar, Tumkur, Shimoga and Chitaldrug (Mr. Krishna Iyengar, Captain Ludlow, Col. Mottett and Major Armstrong respectively) stated that the provisions of the Bombay Act had to be examined and amended to suit local conditions. Though the Deputy Commissioner of Hassan did not offer any remarks of his own, he forwarded the opinions of his Assistant Commissioner, of whom Mr. V. N. Narasimmiengar, whom we have the pleasure of seeing among us at this table, wrote that the Act appeared to be far too elaborate and intricate for the requirements of Mysore, though the main principles thereof were sound, and could be adopted in the shape of Rules. In February 1878, the entire correspondence was forwarded to the Survey and Settlement Commissioner (the Hon'ble Col. W. C. Anderson) for opinion.

5. No further action appears to have been taken until November 1888, when, on an inquiry from the Dewan's Office, the Superintendent of Revenue Survey (Col. Grant) reported that the Hon'ble Col. Anderson did not seem to have taken up the question for final report, but his numerous annotations on the papers sent to him showed that the matter engaged his close attention. Col. Grant suggested that the Act should be gone over by a competent Committee, and the provisions introduced with such alterations as the local conditions demanded. He thought that the introduction of the Act would follow naturally on the introduction of the Land Revenue Code.

[*Mr. T. Ananda Rao.*]

6. The subject engaged the attention of the late Dewan, Sir K. Sheshadri Iyer, who, on the 4th July 1894, minuted that "this is a complicated Act which it is not desirable to introduce into this Province. No further action is therefore required. The whole may be filed."

7. In the meantime, a vast body of scattered and disjointed rules and orders with regard to village officers came into existence. Some of these are collected and printed as Chapter III in the Revenue Manual of 1901. Some of them, such as the rules for the remuneration of Patels and Shanbhogs and minor village servants have the force of law; others are orders passed by Government in appeals from the decisions of Revenue Officers in regular suits; and a large number are administrative orders passed on the miscellaneous side and, as such, liable to be disregarded by subordinate officers in regular suits. The course of decisions, too, especially in the matter of succession to village offices, has not been by any means uniform or certain, with the result—which conflicting decisions induce—of encouraging litigation. All this has accentuated the necessity for legislation. Lastly, as the success of the Revenue Administration depends to a great extent upon the efficiency of the village service, the introduction of a law to regulate the latter and place it upon a proper basis, only follows naturally on the introduction of the Land Revenue Code which has governed the former for the last nineteen years.

8. The subject was taken up in December 1899 by the then Revenue Councillor of Eastern Division (the present Dewan), Mr. V. P. Madhava Rao, who asked for a reconsideration of the whole question, and the framing of a bill on the lines of the Bombay Act with the necessary modifications in consultation with Col. Grant.

9. The Bombay and Madras Acts relating to hereditary offices were examined, with the result that the Bombay Act was found to be unsuited for reasons of which the principal were:—

(i) The Bombay Act—as is the case with old enactments—entered into minute details which would now be more conveniently dealt with in rules framed under an Act;

(ii) The Bombay Act did not recognize the practice of bringing a suit for possession of a hereditary office. Such a practice has existed in Mysore.

(iii) The Bombay Act contemplated a regular settlement in the case of each Patel and Shanbhog. There is reason to believe that such a settlement was attempted in the days of the Commission in some districts of Mysore, but with no satisfactory result.

(iv) Some of the provisions in the Bombay Act were opposed to prevailing rule or practice in Mysore. For example, Deputy Commissioners in Mysore have long exercised the power, in certain contingencies, of dismissing village officers without the previous sanction of Government. It would be otherwise under the Bombay Act.

10. The provisions of the Madras Hereditary Village Offices Act III of 1895, were found to be more in conformity with local practice and adaptable to local requirements.

11. A bill was accordingly drafted in the Legislative Department. The object in view, while so drafting, was not to introduce any radical change in the present system but to adhere, as far as possible, to the traditions of Mysore Village Service with just such modifications as would be necessary to improve the efficiency of that service. The main principles of the bill are—

(i) that it prescribes qualifications, fixes the powers of appointment, removal and punishment of Village Officers in Sirkar villages, and also in alienated tracts;

(ii) that it simplifies the procedure regarding suits;

(iii) that it abolishes the vexatious and inconvenient practice of having two or more holders of the same office doing duty jointly or by turns;

[*Mr. T. Ananda Rao; Mr. Kantharaj Urs; Mr. K. P. Puttanna Chetty.*]

(iv) that it does away with the practice of registering females in certain circumstances as the holders of Village offices, a practice which has been another prolific cause of inconvenience and inefficiency in the service.

12. The draft bill was circulated for opinion to the Commissioners of Survey, Revenue and Excise and Deputy Commissioners of Districts. All the officers consulted are unanimous in recommending legislation. Their criticisms and suggestions are valuable and entitled to careful consideration, and are reserved for such consideration at the hands of this Council to whom the bill will be submitted as originally drafted. I now move for leave to introduce the bill.

MR. M. KANTHARAJ URS seconded the motion. The motion was put to the Council and carried.

The Mysore Police Bill.

MR. K. P. PUTTANNA CHETTY:—

MR. PRESIDENT,

The bill which I have now the honor to introduce to the Council relates to the Police Administration of the Province, and aims at consolidating and amending the law regarding the constitution and organization of the regular and village Police. The subject of Police Administration has been a matter for careful consideration both in Mysore and British India during some time past. Its efficiency or otherwise deeply affects the welfare of the people, and the Government in Mysore have from time to time introduced such changes in the system as tended to make the Police more efficient and better adapted to the wants of the people. The efforts of successive Administrators have resulted in giving the Province a system of Police Administration somewhat different from that prevailing in the Regulation Provinces of British India, and with certain distinguishing features which have evolved from the traditions of the past and the growing necessities of a progressive Administration. I may say at once that this bill does not introduce any drastic changes in the organization of the Police as existing at present, but attempts to define more clearly and precisely what the present law leaves in some obscurity.

History of the Police of Mysore.

The history of the Police of Mysore is interesting and, in view of the fact that some of its prominent features are due to historical circumstances, it is not superfluous to trace it in brief outline. The present Police had its germ in the Kandachar system, which replaced in 1834 the earlier Police formed of village servants and the irregular infantry. The Kandachar system consisted of a large irregular, ill-paid force, with ill-defined duties. The members of the force had the charge of the collection of revenue, and were also employed in Police and other work. The Amildar was the head of the Taluk Police. The close connection which the Kandachar system entailed between the Police and the Revenue authorities led to attempts being made to separate the two by the formation of a separate civil corps. These attempts failed, but in 1866 the Government of India Act of 1861 was introduced into the Town and District of Bangalore. Mr. L. Bowring, the Chief Commissioner, agreeing with the Superintendents, strenuously resisted the extension of the Act of 1861 to the Province as a whole; and he was specially averse to adopting the Madras system, under which the Police were entirely dissociated from all connection with, and control by, the Revenue authorities, as wholly unsuited to the conditions of Mysore. The Government of India, in ordering the organization of the Police in the Province in 1871, observed that the Madras system was radically defective in that it overlooked in a great measure the existence of the village Police, and that a comprehensive Police system should have village institutions as its basis, with the view of securing economy and efficiency. In pursuance of these orders, rules were framed in 1872 for the organization and regulation of the village and regular Police and for the guidance of the Magistracy in connection with the Police. Here ended the old Kandachar system, and it was superseded by the village and the regular Police, which has come down to the present time, with modifications and developments rendered necessary by the

[*Mr. K. P. Puttanna Chetty.*]

changing circumstances of the Administration. Under the new rules, Deputy Superintendents continued to be the heads of the Police in each District, and the Taluk Magistrates the heads of the village Police of their Taluks, while Inspectors were made the heads of the Taluk regular Police. The independence of the Taluk Inspector was soon done away with, and in 1878 he was placed in direct subordination to the Amildar—a practice which continues to the present day. Thus ever since 1834 and even earlier, the District Superintendents and their successors the Deputy Commissioners have been the heads of the District Police, and the Amildars, with the brief exception of the period from 1872 to 1878, the heads of the Taluk Police. The subsequent history of the Police Administration relates to the augmentation of the force from time to time, the creation of new posts to meet altered circumstances, the revival of the Police Assistant Commissioners who were latterly designated Superintendents and Assistant Superintendents, the appointment of an Inspector-General of Police in 1885, and framing of rules and orders regarding internal management of the force.

History of the bill.

Though the system of Police Administration thus underwent some changes, the law relating to it did not keep pace with them. At present there are two different enactments in force—Act V of 1861 in force in Bangalore City and the regular and the village Police rules of 1872 in the rest of Mysore. The desirability of having a uniform system was recognised in 1886. A draft regulation was then prepared repealing Act V of 1861 and extending the rules of 1872 to the whole Province. This and the later attempt to frame a Regulation extending Act V of 1861 to the whole Province and retaining as much of the rules of 1872 as seemed necessary, did not meet with approval. In 1897 a fresh draft Regulation was prepared on the basis of the Bombay District Police Act (4 of 1890) with such modifications as the circumstances of Mysore rendered necessary. This draft was further revised to bring it into greater conformity with the present system of Police Administration and was then circulated to selected officers for remarks. On the receipt of their opinions, some of the recommendations made were adopted. Government, however, in view of the importance of this measure, appointed in 1904 a select committee composed of Mr. A. Rangasamiengar as President, Mr. Carr, Mr. M. Narain Rao and myself as members for the careful revision of the draft. This committee discussed not merely the details of the draft but also certain matters of principle brought before it for consideration by Mr. Carr. The committee made its recommendations, which have been adopted in this bill, which has thus had the advantage of careful consideration by the Government and revision at the hands of a committee, whose members had special and intimate acquaintance with both the Police and the general Administration of the Province.

Constitution and Organization of the Police.

The most important point as regards the Police force is its constitution and organization. The bill, therefore, deals with this subject first. The entire Police establishment is constituted as one force under the immediate direction and supervision of the Inspector-General of Police, who is, thus, the head of the Police Department, and the adviser of Government in all matters connected with the Police. He exercises general control over the Police and over crime—especially organised crime—and he is authorised to make rules and orders relating generally to the internal management and discipline of the force. He is assisted in the Districts, by District Superintendents and Assistant Superintendents who are purely Police officers, and in the Taluks by the Inspectors of Police. But, in conformity with the traditions of Police Administration in Mysore, the bill makes the Deputy Commissioner the head of the District Police, and continues the Police powers of the Amildar, who is to have general control over the Inspector of Police, the head of the Taluk Police.

[*Mr. K. P. Puttanna Chetty.*]

The Police powers of the Deputy Commissioner and the Amildar.

The continuance of the Deputy Commissioner as head of the District Police and the controlling powers of the Amildar over the Taluk Police have recently been subjected to hostile criticism. In some of the Provinces of British India the Police are independent of all control by Revenue officers, and it is the introduction of this system that was asked for by Mr. Ricketts in 1891 and recently by Mr. Carr. The proposal of Mr. Ricketts involved, as Mr. Carr's proposals do, the relieving of Deputy Commissioners and Amildars of all control over the Police or some proper limitation of such control. The Government, however, after careful consideration were of opinion that the Deputy Commissioners should, in the interests of an efficient Police Administration, continue to be the heads of Police in their Districts, and that it was not expedient to relieve the Amildars of their Police functions, as the advantages accruing from the measure were doubtful, while the disadvantages resulting therefrom were manifold. This was in 1892. During the meetings of the select committee in 1904, Mr. Carr revived these proposals, and the committee, after a full discussion, have recommended the continuance of the controlling powers of the Deputy Commissioners and Amildars over the District and Taluk Police respectively. Government have decided to accept these recommendations. The necessity for a change in a system which has given satisfaction during the last seventy years, has yet to be proved, and it cannot be based merely on a need for uniformity with the systems prevailing in some of the more advanced Provinces of British India. If experience is to be any guide, the present system in Mysore has much in its favor. Every successive Administration that had to deal with this question during the last half a century, has declared, in no uncertain terms, in favor of the system as prevailing in Mysore. The question is not purely one of departmental organization, but must be viewed also from the higher stand-point of the welfare of the people. As regards the Deputy Commissioner, he is the chief officer responsible for the administration of his district. As such, he must have intimate knowledge of the work of the Police, which can only be obtained by his being at its head. Again, it cannot be gainsaid that the work of the Police will improve in quality if it had the Deputy Commissioner's guidance and supervision, valuable on account of his knowledge of the district; while, at the same time, his authority will be a constant check on the excesses to which the Police may be hurried in their departmental zeal. The state of things under which the Deputy Commissioner is head of the Police instead of the District Superintendent, is at variance with the provisions of Act V of 1861 and the Madras Police system. But even there, it was clearly intended that the District Police Administration should vest jointly in the District Officer and the District Superintendent, the former being the guiding and supervising authority, and the latter his executive officer. Even the Police Codes of the various Indian Provinces recognise the need for supervision by the executive officer who is primarily responsible for the due administration of Criminal Justice. But such useful supervision is made difficult in British India by making the District Superintendent the head of the Police. Being subject to the executive officer only in his capacity as District Magistrate, the Superintendent resents all interference in the internal management of the force, and the natural result is conflict between the two. If the District Superintendent were subordinate to the Deputy Commissioner in law as in practice, we would have not merely the advantage of the Deputy Commissioner's help and guidance but also the absence of conflict between the two which is so injurious to efficient administration. Surely, therefore, it is no anomaly to declare the chief executive authority as head of the Police also, and the District Superintendent, as his Assistant in Police matters. Of course, petty and constant interference in the details of Police work is also injurious; but, I think, it may be safely left to the good sense and discretion of the Deputy Commissioner when to interfere and when not. At the same time, Government think that some liberty of action should be given to District Superintendents, and, accepting the recommendations of the committee, have provided in the bill, that the Deputy Commissioner should confine himself to matters connected with the efficient discharge of their duties by the Police of his district. The District Superintendent is invested with

[*Mr. K. P. Puttanna Chetty.*]

immediate control, without prejudice to the powers and responsibilities of the Deputy Commissioner, over ordinary matters connected with arms, accoutrements, drill, observation of gangs and suspects, collection of intelligence, distribution of duties and beats, education of men and officers and all other matters of ordinary routine nature. He can also correspond direct with the Inspector-General of Police in purely routine matters.

The exercise of Police powers by the Amildar is, I admit, subject to more theoretical objections than the case of Deputy Commissioners. But, I must once more repeat, the question must be looked at also from the side of practical utility. Any successful Police system in India, as the Government of India recognised long ago, must have the village Police as its backbone. The Amildar's active co-operation is essential for its amelioration and effective working; and it cannot be secured by divesting him of executive control over the Police. Moreover, the Amildar, being the local representative of Government, enjoys the confidence of the people in much larger degree than any purely departmental officer. His knowledge of what takes place in the corners of his taluk will act as a powerful check upon the abuses of the Police. The advice and co-operation of the Amildar, with his resources as the Revenue officer of the taluk, will go a great way in preventing that failure of justice which is too often due to the inefficiency and corruption of the subordinate Police. The only valid objection appears to be the combination of Magisterial and Police powers in an officer of the Amildar's status. In practice, however, no inconvenience is found to arise. He cannot try cases in which he has taken part as a Police officer. Again, all important Police cases being 1st class or Sessions cases, he cannot try them also. The principle of separation of executive and judicial functions, if pushed to its logical conclusion, would require, not that the Amildar should be divested of Police functions, but that he should be divested of Magisterial functions.

I have dealt with this question at length both because of its intrinsic importance as one of the characteristic features of our system, and because it may be thought that the recommendations of the recent Police Commission lend weight to the suggestions of Mr. Carr. Whatever may be the case in British India, it seems possible, in a Native State, to attain that co-ordination of functions in the same officer, which neither impairs efficiency nor divides responsibility.

Internal Regulation and Discipline.

I now pass on to the internal discipline of the force. This must, to a large extent, be entrusted to the Inspector-General of Police. He is empowered to make rules, subject to the orders of Government, on all matters referring to the discipline of the force. The Inspector-General can punish departmentally any Police officer below the grade of Assistant Superintendent, while the Deputy Commissioners and District Superintendents can punish officers below the grade of Inspectors. Except in the case of constables, where the Inspector-General of Police is the final authority, appeals lie to Government in all other cases of departmental punishment.

Police Regulations.

I will next draw your attention to the Chapter on Police Regulations, where you will find a number of provisions relating to the welfare and convenience of the public. Most of them confer necessary powers on the District Magistrate, while some enable the Police to act in emergent cases. The District Magistrate is empowered to make rules or orders on such matters as closing streets, preventing building materials to be left on the road, preventing people suffering from infectious diseases being carried through the streets, and matters of that kind, where regulations are necessary for the safety of the people. Certain powers are likewise given to Magistrates to preserve good order and decency. Thus, in Section 37, provision is made for dealing with brothels; Section 39 enables a Magistrate to make rules or orders to prevent riots and affrays between different classes of the community. Power is also given to Magistrates to prevent the uttering of obscene cries, or cries which tend to inflame religious

[*Mr. K. P. Puttanna Chetty; Mr. A. Rangaswami Iyengar; Mr. T. Ananda Rao.*]

animosity. Section 43 empowers a Magistrate to take all fitting steps against gangs of persons whose presence creates alarm in the neighbourhood. Similarly the Police are given certain powers against disorder in public places of amusement and in public meetings, and to regulate assemblies and processions in the streets.

Executive powers of the Police.

Chapter V contains exhaustive and, to a certain extent, novel provisions regarding the executive powers of the Police. Sections 47 and 49 define specifically the proper duties of the Police; while Section 48 emphasises the humane aspect of their duties; namely, to be of help to the helpless or disabled persons in the streets and to behave with gentleness and humanity. This is not a mere pious wish; for unnecessary harshness on their part in dealing with persons whom they arrest or search, is made punishable.

Of the remaining provisions, very few require any particular reference. The bill provides for the employment of additional Police whenever occasion demands it. If, in times of danger or serious breach of the peace, the Regular Police may be found to be insufficient, power is reserved to employ additional Police, the cost to be recovered from the inhabitants or any section or class of them, of the local area the disturbed condition of which necessitated such addition. The sympathy of the law-abiding section of any disturbed place is intended to be secured by enrolling them as Special Police Officers to put down lawlessness. Section 55 and its sub-sections provide punishments for various Police offences, Section 56 provides a proper remedy against cruelty to animals. Sections 61 to 68 incorporate the provisions of the Gambling Act (III of 1867) the extension of which to the whole of Mysore has been repeatedly urged from various quarters.

I have endeavoured briefly to explain the main features of the bill, and hope that it will receive full and exhaustive consideration in this Council. I now move for leave to introduce the bill.

MR. A. RANGASWAMI IYENGAR, seconded the motion. The motion was put to the Council and carried.

Bill to amend the Court-Fees Regulation III of 1900.

MR. T. ANANDA RAO:—

SIR,

I solicit leave of this Council to introduce a bill for amending the Court Fees Regulation III of 1900, in one respect. It is a short measure which will not engage the Council long. It is calculated to afford relief in respect of Court-fees to landholders and agriculturists who have the misfortune to be involved in litigation and to have recourse to Civil Courts.

2. Under Section 4, clause V, of the Regulation as it stands, the Court-fees payable in suits for possession of land, houses and gardens are regulated by the value of the *subject-matter* of the suit. The words 'subject matter' have been differently interpreted, and the prevailing interpretation has been that the words denote the property concerned in the suit, *viz.*, the land, house or garden itself, irrespective of the nature of the right involved. Thus, no distinction is made between cases in which the title to the property is itself in dispute and those cases in which without the proprietory right being disputed, the right to eject a tenant or other person in subordinate possession is alone disputed. If a house or garden worth fifty thousand rupees is the property concerned, Rs. 1,175 is the amount of Court-fee payable on the plaint, whether the suit is one in which the plaintiff's title itself is in dispute or is only an ejectment suit for non-payment of rent or other default in respect of the conditions of a tenancy. This operates as a hardship in the case of landlords and tenants in ejectment suits. The hardship has been complained of and brought to the notice of Government by members

[*Mr. T. Ananda Rao; Mr. S. Narayana Rao; The President.*]

in the Representative Assembly. By way of remedy, it is proposed to amend the Regulation so as to make a distinction between the two classes of cases and to allow of a smaller amount being payable as Court-fee on plaints in the latter class, *viz.*, purely ejectment suits.

3. I may add that, under Section 12 of the Mysore Legislative Council Regulation, the permission of the Dewan has been obtained in writing for the motion, which I now make.

MR. S. NARAYANA RAO :—I second this motion and I do so with great pleasure for the reason that in the course of my practice as a legal practitioner, I came across several cases of hardship in suits between landlords and tenants, which hardship the present bill is intended to remedy.

The motion was put to the Council and carried.

THE PRESIDENT :—

The leave to introduce the bills having been obtained, the next thing to be done is to publish these bills in the *Gazette*, and it is only after this is done that another meeting can be held. At the next meeting the principles will be explained, and the bills will be proceeded with, and after discussion, referred to a select committee, if necessary. These bills, as you are aware, are old ones, having been in the hands of Government for some time. We have, in anticipation of their being brought before this regularly constituted Council, taken steps to have them printed, and they will be ready much sooner than would otherwise be the case. I expect all the three bills will be published in the *Gazette* within fifteen days from now, and I suppose it would suit the convenience of the Council to meet again some time in the middle of August, and if that is inconvenient, in the last week of August.

After consulting the members, the Dewan announced that the next meeting would be held on Wednesday, the 28th August.

The meeting was then dissolved.

V. P. MADHAVA RAO,
President.

(4)

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No. 29
LC.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

Dated Bangalore the 26 July 1907.

N o t i f i c a t i o n.

Under rule 31 of the Rules framed under Regulation I of 1907 the following bills together with the statement of objects and reasons are published for general information:-

(1) The Village offices Bill.

Here enter the bill attached with the statement of objects and reasons appended thereto)

(2) The Mysore Police Bill.

(Here print the Bill annexed with the revised statement of objects and reasons separately put up)

(3) The Court Fees Regulation Amendment Bill.

(Here enter the Bill with the statement of objects and reasons).

The original is kept in the L.C. File 7 of 1907 (Village Offices Bill) (Soft Copy)

By order,

C. Secretary to

To

The Compiler, Mysore Gazette, for publication in Part III of the Gazette in English and Canarese and for supply of 50 copies of each to the Legislative Section very early.

M.L.

THE MYSORE POLICE BILL.

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(*n*) obstructing bathers;
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of *village boundary hedges and walls, gates, Chavadi and other buildings*, and other matters;

(iv) require the inhabitants of villages to aid the village Police, when called upon to do so, in keeping watch and patrolling their villages at night, in preventing or resisting robbery or other cognizable offences, in pursuing or apprehending offenders, in the recovery of stolen property, in the maintenance of village fences and village gates in good order, and in carrying out other communal purposes of a like nature;

(v) define the ordinary powers of village headmen and the powers with which village headmen may be specially invested, in respect of the trial and punishment of offenders, and the procedure to be followed in the exercise of such powers;

(vi) provide for the punishment departmentally or otherwise of members of the village Police for misconduct or dereliction of duty; and

(vii) attach to the breach of any rule under this section a penalty on conviction before a Magistrate not exceeding one hundred rupees.

(2) Until such rules shall be made and published as aforesaid, the "Rules for the organization and regulation of the village Police in Mysore," published under the Notification of the Government of India, Foreign Department, No. 230 J., dated the 16th October 1872, and as subsequently amended from time to time, shall continue to be in force, and shall be deemed to be rules made under this section.

Bom.—IV of 1890, s. 3.

Definitions.

4. In this Regulation, unless there be something repugnant in the subject or context:—

"Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent," and "Assistant Superintendent."

(*a*) "Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent" and "Assistant Superintendent" mean, respectively, the Inspector-General of Police, a Deputy Inspector-General of Police, an Assistant Inspector-General of Police, a District Superintendent of Police and an Assistant Superintendent of Police appointed under this Regulation;

From Act VIII of 1895.

"District Superintendent."

(*b*) "District Superintendent" includes any Assistant Superintentdent or other person appointed by general or special order of the Government to perform all or any of the duties of a District Superintendent of Police under this Regulation in any district or part of a district;

New clause.

"Inspector."

(*c*) *Subject to such rules and orders as the Government may pass, "Inspector" includes "Sub-Inspector" and "Jamadar."*

"Police Officer."

(*d*) "Police Officer" means *any member of the regular Police force* appointed under this Regulation;

"Constable."

(*e*) "Constable" means a Police officer of the lowest grade;

New.

(*f*) "District" means a territorial division constituting a district for the purposes of the Mysore Land Revenue Code, 1888, and includes a portion of a district placed under the charge of *a District Superintendent for the purposes of this Regulation*;

"District."

New.

(*g*) "Taluk" and "Sub-Taluk" mean, respectively, the local limits within which an Amildar and a Deputy Amildar ordinarily exercise revenue jurisdiction under the Mysore Land Revenue Code;

"Taluk" and "Sub-Taluk."

(*h*) "Street" includes any highway and the way over any causeway, bridge, viaduct or arch, and any road, lane, footway, square, court, alley, or passage accessible to the public, whether a thoroughfare, or not;

"Street."

(*i*) "Common gaming-house" means any building, enclosure, room or place, in which, cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, or keeping such building, enclosure, room or place, whether by way of charge for the use of instruments of gaming, or of the building, enclosure, room or place, or otherwise howsoever.

"Common gaming-house."

(*j*) "Cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

"Cattle."

(*k*) Words and expressions which are defined in the Code of Criminal Procedure have the same meaning as in that Code.

Words and expressions defined in the Criminal Procedure Code.

CHAPTER II.

ORGANIZATION OF THE *Regular* POLICE.

Adapted from Act V of 1861, s. 2.

5. The entire Police establishment under the Government shall, for the purposes of this Regulation be deemed to be one Police force and shall consist of such number of officers and men, and shall be enrolled and constituted in such manner, and receive such pay, as shall from time to time be ordered by Government.

Constitution of Police force.

Vide Bom.—IV of 1890, s. 5.

6. (1) *The Government may appoint an Inspector-General of Police for the direction and supervision of the Police force in Mysore.*

Appointment of Inspector-General of Police;

(2) The Government may appoint one or more Deputy or Assistant Inspectors-General of Police, to whom Government may assign such duties being amongst the lawful duties of the Inspector-General of Police, or in aid and furtherance thereof, as shall to Government seem expedient.

and of Deputy or Assistant Inspector-General.

(3) The Inspector-General and Deputy or Assistant Inspector-General may be suspended or removed from office by Government.

Their suspension or removal.

Bom.—IV of 1890, s. 6.

Appointment of District and Assistant Superintendents.

7. The Government may appoint for each district such Superintendents and Assistant Superintendents of Police as it may think expedient, and may dismiss, suspend, reduce, remove or transfer any of such officers as it may think fit.

Vide Bom.—IV of 1890, s. 8.

Appointment of Inspectors.

8. *The appointment of Inspectors shall, subject to the rules and orders of Government, vest in the Inspector-General.*

Bom.—IV of 1890, s. 9.

Appointment of Police officers below the grade of Inspector.

9. Police officers below the grade of Inspector shall be appointed in each district by the Deputy Commissioner *and the District Superintendent*, subject to such rules as the Government may from time to time prescribe.

Bom.—IV of 1890, s. 10.

Certificates of appointment to be given to Inspectors.

10. (1) An Inspector shall, on appointment, receive from the Inspector-General a certificate of appointment *in Form I of Schedule B.*

Bom.—IV of 1890, s. 11 (1).

Certificates of office to be given to Police officers below the grade of Inspector.

(2) Every Police officer below the grade of Inspector shall, on enrolment, receive a certificate *in Form II of Schedule B*, from the Deputy Commissioner of the District in which he is enrolled.

Bom.—IV of 1890, s. 11 (2).

Powers, etc., of persons appointed as aforesaid.

11. (1) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a Police officer.

Bom.—IV of 1890, s. 11 (3) (a) with an addition.

Such certificates when to become null and void.

(2) (*a*) Every certificate of appointment shall become null and void whenever the person named therein ceases for any reason *to be a Police officer* and shall be forthwith surrendered by him to any officer empowered to receive the same.

Vide Bom.—IV of 1890, s. 11 (3) (b).

Temporary suspension of powers, etc., of Police officers.

(*b*) *A Police officer shall not, by reason of his being suspended from office, cease to be a Police officer, but during the term of such suspension, the powers, functions and privileges vested in him shall be in abeyance and he shall continue subject to the same responsibilities and subject to the same authorities as if no such suspension had taken place.*

New.

General powers of the Inspector-General.

12. *The Inspector-General shall be the head of the Police Department and the adviser of Government in all matters connected with the Police. He will exercise general control over the Police force and over crime —more particularly organized and professional crime—and subject to the approval of Government he may make rules and orders under the provisions of Sections 24 and 25 of this Regulation.*

Bom.—IV of 1890, s. 7.

Inspector-General to have magisterial powers; and to exercise them subject to limitations imposed by Government.

13. The Inspector-General of Police shall have the powers of a Magistrate of the 1st Class throughout Mysore, but shall exercise such powers subject to such limitation as may from time to time be imposed by Government.

Adapted from s. 12, Bom. IV of 1890 with additions.

General powers of Deputy Commissioner.

14. Subject to the general control of the Inspector-General, the Deputy Commissioner shall be the head of the Police in his district, and shall, as such, direct and regulate all matters *connected with the efficient discharge* of their duties by the Police force of his district.

New.

Powers of Superintendent.

15. (1) Subject to such rules and orders as may be made by Government in this behalf, and to the general control of the Deputy Commissioner, the District Superintendent may exercise all or any of the powers of the Deputy Commissioner under this Regulation; *and without prejudice to the powers and responsibility of the Deputy Commissioner, the District Superintendent shall have direct control over all ordinary matters connected with:—*

(*a*) *Arms, accoutrements, clothing;*

(*b*) *Drill, exercise;*

(*c*) *Observation and surveillance of gangs, K. Ds suspects; collection and communication of intelligence and information; identification of persons by finger prints or otherwise;*

(*d*) *distribution of duties and beats;*

(*e*) *education of men and officers in laws; orders, and modes of Police Procedure; and*

(*f*) *all other ordinary matters of a routine nature; and may correspond direct with the Inspector-General in ordinary matters connected with arms, accoutrements, clothing, drill and discipline, escorts, reports and returns, identification of persons by finger prints or otherwise, and other routine matters.*

Powers of Amildar, Deputy Amildar and Inspector.

(2) *Subject as aforesaid, the Amildar and Deputy Amildar shall be ex-officio Police officers within their revenue charge and shall have general powers of control over the Police and be responsible for the prevention and detection of crime and maintenance of order within such charge; and the Inspector shall be the executive head of the Police within his range subject to the general control and direction of the Amildar or Deputy Amildar.*

Vide Regular Police Rules, Rule 27.

Deputy Commissioner may make necessary distribution of Police force.

16. *Subject to the approval of the Inspector-General, the Deputy Commissioner may make such distribution or movement of the allotted Police force within his jurisdiction as may be found necessary to meet local requirements.*

Vide Bom.—IV of 1890, s. 21.

Appointment of Special Police officers.

17. *When it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place or is reasonably apprehended and that the Police force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred, or is apprehended, it shall be lawful for any Magistrate in the neighbourhood, on the application of any Police officer having authority in the place, not below the rank of officer in charge of Police Station, to appoint, by a*

written order signed by himself and sealed with his official seal, so many of the residents of the neighbourhood as may be required, to act as Special Police officers for such time and within such limits as he shall deem necessary.

Powers and responsibilities of Special Police officers.

(2) Every Special Police officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer; but it shall not be necessary for him to receive a certificate of office under Section 10.

Bom.—IV of 1890, s. 22 with slight changes.

Employment of additional Police at request of persons showing the necessity therefor.

18. (1) *The Inspector-General, or the Deputy Commissioner subject to the approval of the Inspector-General,* may, on the application of any person showing the necessity therefor, depute any additional number of Police to keep the peace or to perform other Police duties at any place within *their respective jurisdiction.*

Cost thereof.

(2) Such additional Police shall be at the charge of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period *as may be deemed necessary.*

Proviso regarding relief from cost.

(3) Provided that, if the person upon whose application such additional Police are employed shall at any time make a written requisition to *the Inspector-General or* the Deputy Commissioner for the withdrawal of the said Police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as *such officer* shall determine.

Bom.—IV of 1890, s. 23 with slight additions.

Employment of additional Police near large works.

19. (1) Whenever it shall appear to *the Inspector-General or* the Deputy Commissioner that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any Railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place, necessitates the employment of additional Police at such place, such *officer* may, with the sanction of Government, depute such additional Police to the said place and keep the said Police employed *there* for so long as *he shall consider necessary.*

Cost thereof.

(2) Such additional Police shall be at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, at such rates and *payable* at such times as the Deputy Commissioner, with the sanction of Government, *may prescribe.*

Bom.—IV of 1890, s. 24.

Dispute as to payments of cost.

20. *In the event of* any dispute in any case under section 18 or section 19, the decision of the Deputy Commissioner shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may be levied as if it were an arrear of Land Revenue.

Bom.—IV of 1890, s. 25.

Employment of additional Police in cases of special danger to public peace.

21. (1) The Government may, from time to time, by notification *duly published*, direct the employment of additional Police for such period as it shall think fit in any local area which shall apper to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the Police.

Cost thereof.

(2) The cost of such additional Police shall, if Government so direct, be either in whole or in part defrayed by a tax imposed on the persons herein below mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate *in such proportions as the Government may fix*, and charged—

(*a*) either generally on all persons who are inhabitants of the local area to which such notification applies; or

(*b*) specially on any particular section or sections or class or classes of such persons;

Explanation.—For the purposes of this section and of Section 21 "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents or revenue, direct from raiyats or occupiers in such area, notwithstanding that they do not actually reside therein.

Extension of period for payment of cost.

(3) It shall be lawful for Government to extend the period for the payment of such tax or rate *for a term not exceeding in any case five years* beyond the period for which such additional Police are actually employed.

Bom.—IV of 1890, s. 25, cl. (4), with certain portions omitted.

Assessment of cost.

(4) The said tax shall be imposed, or the said rate shall be assessed, by the Deputy Commissioner at his discretion.

Exemption from liability to bear cost.

(5) It shall be lawful for Government, by order, to exempt any persons from liability to bear any portion of such cost.

Vide Bom.—IV of 1890, s. 25 A.

Application for compensation for injury caused by misconduct of inhabitants or unlawful assembly.

22. (1) *If death or grievous hurt or loss of or damage to property has been caused by or has ensued from the misconduct of the inhabitants or any class or section of them in any area referred to in the preceding section or by anything done in the prosecution of the common object of an unlawful assembly, it shall be lawful for any person or persons who claim to have suffered injury from such misconduct or act to make, within one month from the date of the injury or such shorter period as may be prescribed, an application to the Deputy Commissioner for compensation.*

Compensation how recoverable.

(2) With the previous sanction of Government obtained through the Inspector-General, the Deputy Commissioner may—

(*a*) after such enquiry as he deems necessary,

(i) determine the amount of the compensation which should be paid to *such* person or persons, and

(ii) declare the local area, the inhabitants of which have, in his opinion, by their conduct caused or contributed to the holding of such assembly;

(*b*) recover the amount so determined, in such proportions as he may think proper, from all *or any of the* inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons;

(*c*) award or apportion, all or any moneys so recovered to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

Exemption from liability to pay compensation.

(3) It shall be lawful for Government, by order, to exempt any person from liability to pay any portion of such compensation.

Conditions under which compensation recoverable.

(4) No recovery shall be made and no compensation shall be granted under this section unless the Deputy Commissioner is satisfied that the person claiming compensation is himself free from claim, in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid.

Orders of Deputy Commissioner subject to revision.

(5) Every declaration, assessment and order made by the Deputy Commissioner under sub-section (1) shall be subject to revision by Government or by such officer as it from time to time empowers in this behalf, but save as aforesaid shall be final.

Bar to maintaining civil suit.

(6) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.

Bom.—IV of 1890, s. 26, with omissions.

Recovery of rates and charges under Sections 20 and 21 by Deputy Commissioner.

23. Every tax imposed or rate assessed or amount recoverable by the Deputy Commissioner under the last two preceding sections or other provision of this Regulation, shall be recovered by the Deputy Commissioner as if it were an arrear of land revenue due by the person answerable therefor.

CHAPTER III.

Regulation, Control and Discipline of the Police Force.

Framing of rules for administration of Police.

24. Subject to the orders of Government, the Inspector-General may, from time to time, make rules or orders not inconsistent with this Regulation or with any other enactment at the time in force—

(*a*) relating to the recruitment, organization, classification and discipline of the Police;

(*b*) regulating the inspection of the Police by his subordinates;

(*c*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police;

(*d*) for the institution, management and regulation of any Police fund for any purpose connected with the Police administration;

(*e*) regulating the distribution, movement and location of the Police;

(*f*) regulating the duties of Police officers of different grades;

(*g*) regulating the collection and communication by the Police of intelligence and information, and the investigation of crime;

(*h*) *prescribing the books and registers to be maintained and the returns to be submitted by the several Police officers;*

(*i*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

Bom.—IV of 1890, s. 15 and 28.

Inspector-General may make inspections and call for returns, etc.

25. The Inspector-General of Police may, subject to the rules and orders of Government, make periodical inspections of Police establishments and stations, and require from the Deputy Commissioner and other officers subordinate to him, returns, reports and statements, either particular or general, on subjects connected with the suppression of crime, the condition of the criminal classes, the maintenance of the order and the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police force, the utilization of auxiliary means, the performance by the Police of their duties, and all other matters in furtherance of his control of the Police force.

Bom.—IV of 1890, s. 29.

Punishment of Police officers departmentally for neglect of duty, etc.

26. (1) Any officer authorised by sub-section (3) in that behalf may suspend, reduce or dismiss any Police officer whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty, or unfit for the same, and may fine, to an amount not exceeding one month's pay, any Police officer below the grade of Assistant Superintendent who is guilty of any breach of discipline or misconduct which does not require his suspension or dismissal, or who, by any act of his own, renders himself unfit for the discharge of his duty.

Punishment under this section to be in addition to penalty under Section 33, 58 or 59.

(2) Any punishment inflicted on a Police officer under this section shall be in addition to the penalty to which such officer is liable under Section 33, 58 or 59 of this Regulation or any other law in force.

Bom.—IV of 1890, s. 29 (3), with slight changes.

Punitive powers of Inspector-General and Deputy Commissioner.

(3) The Inspector-General shall have authority to punish *any Police officer* below the grade of Assistant Superintendent under sub-section (1). The Deputy Commissioner and the District Superintendent shall have each the like authority in respect of any Police officer subordinate to him below the grade of Inspector; and the Deputy Commissioner may suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General can be obtained. But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by Government in that behalf.

Bom.—IV of 1890, s. 30.

Procedure to be observed in awarding punishment.

27. (1) When any officer passes an order for fining, suspending, reducing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature in Kanarese or in English.

(2) *In regard to appeals against the orders aforesaid, the final authority in the case of constables, shall be the Inspector-General, and in the case of all other officers, appeals may lie to Government.*

Bom.—IV of 1890, s. 31.

Departmental punishment for insubordination.

28. (1) The Inspector-General or the Deputy Commissioner or any District Superintendent or Assistant Superintendent may punish by confinement for a period not exceeding three days, any Police officer below the rank of jamadar or head constable who is, in his presence, grossly insubordinate or who is insolent to him.

Procedure to be observed in awarding such punishment.

(2) Every order for punishing a Police officer as aforesaid shall be recorded in the manner prescribed in Section 27, and a copy of every such order made by a Deputy Commissioner, District Superintendent or Assistant Superintendent shall be forwarded by him *without delay* to his immediate superior.

Bom.—IV of 1890, s. 32 (1), with a slight addition.

Police officers to be deemed to be always on duty and to be liable to employment in any part of Mysore.

29. Every Police officer shall, for all purposes of this Regulation, be deemed to be always on duty *and may* at any time be transferred to or employed on Police duty in any part of Mysore for so long as his services may be there required.

Bom.—IV of 1890, s. 33 (1), with an addition.

Police officer not to engage in trade, etc.

30. (1) No Police officer shall engage in trade or be in any way concerned, either as principal or as agent, *in any dealing in land* within the district, wherein he is employed or in any commercial transaction whatever, or bid for property sold by order of a Criminal Court, *or have money transactions with another Police officer* without the permission of the Deputy Commissioner or Inspector-General, or of Government.

Bom.—IV of 1890, s. 33 (2).

Police officers not to be employed on other than Police duties.

(2) No Police officer shall, unless with the written permission of the Inspector-General, hold any office, or practice in any profession, or engage in any emyloyment whatever, other than his office or duties as such Police officer.

Bom.—IV of 1890, s. 33 (3).

These prohibitions to apply also when Police officer is on leave or under suspension.

(3) The prohibitions in sub-sections (1) and (2) apply when a Police officer is on leave or under suspension as well as when he is on duty.

Bom.—IV of 1890, s. 34.

Under what conditions Police officer may resign.

31. (1) Unless with the written permission of the Deputy Commissioner or of some other Police officer empowered by the Inspector-General *in this behalf*, no Police officer of or below the rank of Inspector

shall resign his office or withdraw himself from the duties thereof until—

(*a*) the expiration of two months after written notice of his intention so to do has been given by him to the Deputy Commissioner: and until—

(*b*) he has fully discharged any debt due by him, as such Police officer, to Government or to any Police fund.

Proviso.

(2) Provided that, if any such Police officer produces a certificate signed by the principal Medical officer in the district declaring him to be unfit, by reason of disease or mental or physical incapacity, for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as aforesaid.

Arrear pay of Police officer contravening this section may be forfeited.

(3) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the Deputy Commissioner, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under Section 33 of this Regulation or other law in force.

Bom.—IV of 1890, s.35.

Certificate, arms, etc., to be delivered up by person ceasing to be Police officer, and

32. (1) Every person who for any reason ceases to to be a Police officer shall forthwith deliver up to some officer empowered by the Deputy Commissioner to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

if not delivered up, may be seized under search warrant.

(2) Any Magistrate and, for special reasons which shall be recorded in writing at the time, any District Superintendent may issue warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, by a Police officer or, if the Magistrate or District Superintendent issuing the warrant so directs, by any other person.

Saving of certain articles.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalty for making false statement, etc.,

33. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or

Bom.—IV of 1890, s. 36.

and for misconduct of Police officers.

(2) any Police officer who—

(*a*) contravenes any provision of Section 30, or

(*b*) is guilty of cowardice, or

(*c*) resigns his office or withdraws himself from the duties thereof in contravention of Section 31, or

(*d*) is guilty of any wilful breach, or neglect of any provision of law or of any rule or order which, as such Police officer, it is his duty to observe or obey, or

(*e*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave,

(3) A Police officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave, shall, for the purposes of clause (*c*), be deemed to withdraw himself from the duties of his office within the meaning of Section 31.

Bom.—IV of 1890, s. 37.

Penalty for failure to deliver up certificate of appointment or of office or other article.

34. Any Police officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of Section 32, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

CHAPTER IV.

Police Regulations.

Bom.—IV of 1890, s. 38, slightly modified.

Power of Government to make orders in matters under Section 144 of Criminal Procedure Code.

35. *It shall be competent for the Government to make by notification, any order which, if made by a Magistrate under Section 144 of the Code of Criminal Procedure, could be continued in force by Government under the said section.*

Do s. 39.

Rules may be made by District Magistrate regarding use of streets, etc.

36. (1) In any town or other place in which he thinks fit the Magistrate of the District, may, from time to time and subject to such orders as may have been made by a Municipal or other authority empowered in that respect, make rules or orders—

(*a*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(*b*) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*c*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(*d*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*e*) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the streets or along certain specified streets, except subject to such reasonable regulations as he may prescribe in that behalf;

(*f*) prohibiting the setting fire to or burning any straw or other matter, or letting a bonfire or wantonly discharging a fire-arm or air-gun, or lighting off or throwing a fire-work or sending up a fire-balloon in or upon or within fifty feet of a street or building, or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable regulations as he may prescribe in that behalf;

(*g*) prohibiting, except under such reasonable regulations as he may impose, the making of any excavation, the placing of building materials or other articles, or the fastening or detention of any horse or other animal in any street;

Based on Bom.—IV of 1890, s. 40.

(*h*) regulating the blasting of rocks or the making of excavations in or near any street, and providing for the taking out of licenses for such operations;

Bom.—IV of 1890, s. 39 (1), clauses (h) to (m).

(*i*) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or parts thereof and the corpses of persons deceased;

(j) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature;

(*k*) *laying down such directions* in cases of existing or apprehended epidemic or infectious disease of men or animals with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and as to the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been ordered or approved by Government with a view to prevent the disease or to check the spreading thereof;

(*l*) directing the closing or disuse wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply or receptacle of water; and providing against pollution of the same or of the water therein;

(*m*) regulating the hours during which and the manner in which any place for the disposal of the dead, any chattram, village gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(*n*) regulating the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the Magistrate, special regulations may be necessary for the public safety and convenience.

Bom.—IV of 1890, s. 39 (2), with alterations and additions.

Manner of publication of such rules.

(2) Every regulation made under clause (*i*) or made under clause (*m*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain case. *The rules and orders made under the several clauses of this section shall be published in one or more of the methods described below, to be determined by the Magistrate of the District with reference to the circumstances of each case :—*

(a) by delivery of copy of the rule or order to the party concerned,

(b) by affixing notice of the same in such language as may be found suitable at a conspicuous place or places in or near the building, platform, structure, street, locality, source of supply or receptacle of water, place for disposal of the dead, chattram, village gate, theatre or other place of public resort or amusement,

(c) by affixing such notice in the chavadi, Police station or Taluk cutcherry or in more than one of these places,

(d) by publication of the same in the official Gazette, and if the Magistrate so direct, in local newspapers,

(e) by beat of tom-tom in such places and at such times as the Magistrate may prescribe.

Bom.—IV of 1890, s. 39 (3) and (4).

Rules under clause (1) (*k*) to be reported to Government.

(3) Every rule promulgated under authority of clause (*k*) of sub-section (1) of this section shall be forthwith reported to Government and shall be in force for not more than fifteen days unless extended by Government for longer period and in such case for so long as Government directs.

(4) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Bom.—IV of 1890, s. 41.

Discontinuance of brothels.

37. On complaint being made to a Magistrate of a District or of a Sub-Division that any house in a town or village in his district or sub-division to which the Government has by notification extended this section is used as a common brothel or lodging-house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period which shall be set forth in the order, to discontinue such use of it.

Act III of 1867, s. 5, and Mad.—III of 1888, s. 42.

District Magistrate, etc., may authorise Police officer to enter common gaming-house.

38. If the Magistrate of the District or a First Class Magistrate or the District Superintendent of Police has reason to believe that any building, enclosure, room or place in *any* town or village, is used as a common gaming-house, he may, *either himself enter or* by his warrant give authority to any Police officer above the rank of

a constable to enter with such assistance as may be found necessary, by night or by day and by force, if necessary, any such building, enclosure, room or place and to arrest all persons found therein, and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gambling, which are found therein, and to search all parts of such building, enclosure, room or place and also the persons found therein.

Bom.—IV of 1890, s. 42.

Issue of orders by Magistrates for prevention of disorder.

39. (1) The Magistrate of the District, or in his absence and subject to his order, *any* Magistrate of the First Class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the carrying, collection and preparations of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, playing of music, delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law, or of a lawful authority.

Orders by subordinate magistrate to be communicated to District Magistrate.

(2) An order made under this section by a subordinate Magistrate shall be forthwith communicated to the Magistrate of the District, who shall thereupon confirm, cancel or modify the same as shall seem expedient.

Bom.—IV of 1890, s. 43, with an addition.

Issue of orders by Magistrate of the District for prevention of riot or grave disturbance of peace.

40. In order to prevent an impending or apprehended riot or grave disturbance of the peace, the Magistrate of the District, or, in his absence and subject to his control, any Magistrate of the First Class having local jurisdiction, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him.

Bom.—IV of 1890, s. 44.

Issue of orders by Magistrate of District for maintenance of order at religious ceremonials, etc.

41. (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organized assemblage in any street as to which or the conduct of or the participation in which it shall appear to the Magistrate of the District that a dispute or contention exists which is likely to lead to grave

disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Orders to be subject to decrees, etc. of Courts.

(2) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Magistrate of the District that such order is inconsistent with *any* judgment, decree, injunction or order of such Court.

Bom.—IV of 1890, s. 45.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, etc.

42. (1) Whenever it shall appear to the Magistrate of a District, that any place in the district at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by Police notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom, as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

Levy of fees in such cases.

(2) It shall be lawful for the Magistrate of the District, subject to the orders of the Government, to assess and levy such reasonable fees on persons falling under the provisions of sub-section (1) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

Recovery of expenses from municipalities.

(3) When the place of assemblage is within the limits of a municipality such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality.

Bom.—IV of 1890, s. 46.

Dispersal of gangs and bodies of persons.

43. Whenever it shall appear to the Magistrate of a District or to any Sub-Divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or *to create* reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself to such place by such route as such Magistrate shall prescribe.

Bom.—IV of 1890, s. 47.

Police to provide against disorder, etc., at public places of amusement and public meetings.

44. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of highest rank superior to that of constable, present in the town or village where such place of amusement is situate or such assembly or meeting is to be held, may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(2) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

Bom.—IV of 1890, s. 48.

Police to regulate assemblies, etc., in public streets.

45. (1) *Any officer of Police not below the grade of an Inspector* may, subject to any rule or order which may at any time be legally made by any Magistrate, or other authority duly empowered in this behalf—

(*a*) make rules for and direct the conduct of and behaviour or action of persons constituting assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which the same may pass, *and issue licenses therefor;*

(*b*) regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street;

(*c*) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under Sections 36 to 43 of this Regulation.

Manner of publication of such rules and orders.

(2) Every rule and order made under this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act comformably thereto.

Act V of 1861, s. 30 A (1), slightly altered.

Powers with regard to assemblies, etc., violating such rules or orders.

(3) Any Magistrate or any Police officer *not below the officer* in charge of a Police station may stop any procession which violates any such *license*, rule or order, and may order it or any assembly, moving crowd or assemblage which violates any such *license*, rule or order to disperse.

Act V of 1861, s. 30 A (2), slightly altered.

Assembly violating such orders to be deemed unlawful assembly.

(4) Any procession or assembly or moving crowd or assemblage which neglects or refuses to obey any *such license, rule or* order given under the last preceding sub-section shall be deemed to be an unlawful assembly.

Bom.—IV of 1890, s.49.

Provisions as to dogs.

46. (1) The Magistrate of the District, may, by public notice, extending to such place or places within the district as shall therein be named, require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the Police may, except as is hereinafter in sub-section (2) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner *claims* it, *provides* a proper muzzle, and *pays* all expenses connected with such detention.

When dogs may be destroyed or sold by Police.

(2) The Police shall not destroy any dog which wears a collar bearing a known owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

How expenses may be recovered.

(3) For the expenses incurred under the preceding sub-sections the owner of the dog shall be answerable as for an arrear of land revenue.

Provision in case of dog wearing collar with owner's address.

(4) When any dog taken possession of by the Police wears a collar with the apparently genuine address of any person inscribed thereupon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address.

CHAPTER V.

Executive Powers and Duties of the Police.

Bom.—IV of 1890, s.51.

Duties of Police officer.

47. (1) Every Police officer shall--

(*a*) promptly obey and execute every warrant or other order lawfully issued to him by competent authority; and shall by all lawful means endeavour to give effect to the commands of his superior;

(*b*) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and *report* such information and take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to pervent the commission of offences;

(*c*) to the best of his ability, prevent the commission of public nuisances;

(*d*) apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension there is sufficient reason;

(*e*) aid another Police officer when called on by him or in case of need, in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(*f*) discharge such duties as are imposed upon him by any law relating to revenue or any other law at the time in force.

Power to enter places of public resort *without warrant.*

(2) Every Police officer may subject to the rules and orders made by Government or by a person lawfully authorised, enter *for the purpose of sub-section* (1) without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking shop, or shop for the sale of intoxicating drugs or a place of *resort for prostitutes and disorderly persons.*

Power to search suspected persons in the streets.

(3) When in a street or place of public resort *a person is suspected to be in possession* or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to Sections 523 and 525 of the Code of Criminal Procedure or other law in force.

Bom.—IV of 1890, s. 52.

Duties of Police officers towards the public.

48. It shall be the duty of every Police officer—

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(*b*) to take prompt measures *for procuring* necessary help for any person under arrest or in custody, who is wounded or sick, and to have due regard to his condition *whilst guarding or conducting him*;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(*f*) to use his best endeavours to prevent any loss or damage by fire;

(*g*) to use his best endeavours to avert any accident or danger to the public.

Bom.—IV of 1890, s. 53.

Police to regulate traffic, etc., in streets; and

49. (1) It shall be the duty of a Police officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions thereon and, to the best of his ability, to prevent the infraction of any of the provisions of this Regulation or of any rule or order made thereunder or of any other law in force for observance by the public in or near the streets;

to keep order in streets and other public places; and

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship;

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

to regulate resort to public places.

(2) All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of the said duties.

Persons bound to conform to reasonable orders of Police.

(3) A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Police officer may restrain or remove contumacious person.

Bom.—IV of 1890, s. 54.

50. Whenever a notification has been duly issued under Section 39 or an order has been made under Section 40 or 41, it shall be lawful for any Magistrate or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification or order as aforesaid and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

Enforcement of orders issued under Section 39, 40 or 41.

Bom.—IV of 1890, s. 55.

51. It shall be the duty of *a Police officer* to see that every regulation and notification made by the Magistrate of the District under Section 42, or by the Magistrate of the District or a Sub-Divisional Magistrate under Section 43, is duly obeyed, to warn persons who, from ignorance, fail to obey the same, and to arrest any person who wilfully disobeys the same.

Duty of Police to see orders issued under Section 42 or 43 carried out.

Bom.—IV of 1890, s. 56.

52. A Police officer may take charge of any *cattle* which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of *The Cattle Trespass Act.*

Police officer may take charge of stray cattle.

Bom.—IV of 1890, s. 57, altered in accordance with the existing Police Rules.

53. The Police shall take charge of all unclaimed property found by or made over to them, and shall forthwith report *the same to the Magistrate having local jurisdiction, who shall deal with the property as if it were property falling under Section 523 of the Criminal Procedure Code.*

Duty of Police with regard to unclaimed property.

Bom.—IV of 1890, s. 60.

54. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior, where it shall

Superior Police officer may himself perform duties imposed on his inferior, etc.

appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of *any other person* lawfully acting under his command or authority.

CHAPTER VI.

Offences and Punishments.

Bom.—IV of 1890, s. 61.

Punishment of certain street offences and nuisances.

55. In any local area to which the Government by notification from time to time extends this section or any part thereof, whoever contrary thereto—

driving on dark nights without light.

(*a*) without lawful excuse drives along, or keeps standing in, any street a vehicle of any description at any time between three-quarters of an hour after sunset and one hour before sunrise, without a sufficient light or lights except when there is sufficient moon-light to render such light unnecessary;

disregarding the rule of the road;

(*b*) *without reasonable cause, drives, drags, or pushes any vehicle otherwise than on the near or left side of the road, or passes any vehicle except on the right side of it and at any speed higher than what may be prescribed by notification by Government;*

leaving cattle, etc., insufficiently tended;

(*c*) leaves in any street insufficiently tended or secured any animal or vehicle;

causing obstruction or mischief by animals;

(*d*) causes obstruction, injury, danger or alarm in any street, or mischief, by any misbehaviour, negligence or ill-usage in the driving, management or care of any animal or vehicle, or *drives* any vehicle or animal laden with timber, poles or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the District;

exposing animal for hire or sale, etc;

(*e*) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public;

causing any obstruction in street;

(*f*) (i) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded or *has* to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose; or by leaving any vehicle standing or *by* fastening any cattle therein, or using any part of a street as a halting-place for vehicles or cattle or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time;

(ii) *or causes obstruction* by exposing anything for sale or setting out anything for sale in or upon any stall,

booth, board, cask, basket or in any other way whatsoever *contrary to any regulation made and published by the Magistrate of the District;*

obstructing foot-way;

(*g*) causes obstruction on any foot-way, *or drives, rides or leaves any animal or drives, drags or pushes any vehicle thereupon*;

exhibiting mimetic, musical or other performances, etc.;

(*h*) exhibits, contrary to any regulation made and notified by the Magistrate of the District, any mimetic, musical or other performances of a nature to attract crowds, or carries or places bulky advertisements, pictures, figures, or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned;

gambling in street;

(*i*) assembles with others or joins any assembly in a street *gathered* for the purpose of gaming or wagering;

doing offensive acts on or near public streets;

(*j*) (i) slaughters any animal or cleans a carcass or hide, except in some place set apart for the purpose by order of the District Magistrate or of some other person having lawful authority in that behalf;

(ii) *obeys a call of nature or permits a child to do so, or bathes or washes his person in or near to and within sight of a street*, so as to cause annoyance to the neighbouring residents or to passers-by;

letting loose horses, etc., and suffering ferocious dogs to be at large;

(*k*) negligently lets loose any horse or other animal, so as to cause danger, injury, alarm or annoyance *to the public*, or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal to attack, worry or put in fear any person or animal;

bathing or washing in places not set apart for those purposes;

(*l*) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the District or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nalla or other source or means of water-supply in which such bathing or washing is forbidden by order of the Magistrate of the District or other person having lawful authority in that behalf;

defiling water in public wells, etc.;

(*m*) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or a part of a river, stream, nalla or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid;

obstructing bathers;

(*n*) obstructs or incommodes a person bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart;

(*o*) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office;

behaving indecently in public;

(*p*) is drunk and incapable of taking care of himself in a street or place of public resort;

being drunk and incapable;

(*q*) wilfully pushes, presses, hustles or obstructs any passenger in a street, or *disturbs the public peace or order*, by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle, or otherwise;

obstructing or annoying passengers in streets;

For the words in brackets, vide Mad.—III of 1888, s. 71, cl. 19.

(*r*) uses in any street any threatening, abusive or insulting words or behaviour (or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing) with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned;

misbehaviour with intent to provoke breach of peace;

(*s*) begs importunately for alms, or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street;

begging and exposing offensive ailments;

Act XXIV of 1899, s. 48, cl. (5).

(*t*) throws or lays down any dirt, filth, rubbish, or any stones or building materials *in any street*, or causes any offensive matter to run from any house, factory, dungheap, or the like, into *any street*;

throwing dirt into the street;

Act XXIV of 1899, s. 48, cl. (8).

(*u*) neglects to fence in or duly to protect any well, tank, or other dangerous place or structure;

neglecting to protect dangerous places;

Mad.—III of 1888, s. 71, cl. (16.)

(*v*) without the consent of the owner or occupier, affixes or causes to be affixed any bill, notice or other paper upon any building, wall or fence, or writes upon or defaces or marks any such building, wall or fence;

affixing bills or defacing walls;

Mad.—III of 1888, s. 71, cl. (20.)

(*w*) solicits or molests any passenger for the purpose of prostitution;

soliciting for prostitution.

shall be punished with fine which may extend to fifty rupees, *provided that imprisonment in default of payment of such fine shall not exceed eight days, notwithstanding anything contained in Section 67 of the Indian Penal Code.*

Bom.—IV of 1890, s. 62.

56. (1) Whoever cruelly beats, goads, overworks, overloads, ill-treats or tortures, or causes or procures to be cruelly beaten, goaded, overworked, overloaded, ill-treated or tortured any animal, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Punishment for cruelty to animals.

(2) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than

the Second Class, unless such Magistrate be specially invested with jurisdiction for that purpose by the Government.

Act V of 1861, s. 19, slightly altered.

Penalty for refusal to serve as special Police officer.

57. Any person appointed a special Police officer under Section 17 who, without sufficient excuse, neglects or refuses to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, shall be punished with fine which may extend to fifty rupees.

Bom.—IV of 1890, s. 63.

Penalty for vexatious search, arrest, etc., by Police.

58. Any Police officer who,—

(*a*) without lawful authority or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place; or

(*b*) vexatiously and unnecessarily seizes the property of any person; or

(*c*) vexatiously and unnecessarily detains, searches, or arrests any person; or

(*d*) offers any unwarrantable personal violence to any person in his custody;

(*e*) holds out any threat or promise not warranted by law to *an accused person*;

shall for every such offence be punished with imprisonment for a term not exceeding two months, or with fine which may extend to five hundred rupees, or with both.

Bom.—IV of 1890, s. 64.

Penalty for vexatious delay in forwarding person arrested.

59. Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall be punished with fine which may extend to two hundred rupees.

Bom.—IV of 1890, s. 65.

Penalty for contravention of rules under Section 36, or of directions under Section 49.

60. Whoever—

(*a*) contravenes any rule or order made under Section 36, or

(*b*) opposes or fails to conform to any direction given by the police under Section 49,

(*c*) abets the commission of any offence *referred to in clause* (*a*) *or clause* (*b*),

shall be punished with fine which may extend to fifty rupees.

Bom.—IV of 1890, s. 67.

Penalty for failure to comply with order under Section 37.

61. Whoever fails to comply with an order made under Section 37, shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Act III of 1867, s. 3, and Mad.—III of 1888, s. 45.

Penalty for opening, etc., common gaming-house.

62. (1) Whoever opens, keeps, or uses or permits to be used any common gaming house, or conducts or assists in conducting the business of any common gaming-house, or advances or furnishes money for gaming therein, shall be *punished with* a fine not exceeding two hundred rupees, or imprisonment not exceeding three months, or both;

Act III of 1867, s. 4, and Mad.—III of 1888, s. 46.

Penalty for being found gaming in common gaming-house.

(2) whoever is found gaming or present for the purpose of gaming in a common gaming house, shall *be punished with* fine not exceeding one hundred rupees, or imprisonment not exceeding one month, or both.

Act III of 1867, s. 6, and Mad.—III of 1888, s. 43.

Explanation 1.—Any cards, dice, gaming-table or cloth, board, or other instruments of gaming found in any building, enclosure, room or place entered, or searched, under the provisions of Section 38 or on any person found therein shall be evidence that such building, enclosure, room or place is used as a common gaming house, and that the persons found therein were there present for the purpose of gaming although no play was actually *witnessed* by a Police officer or *others*.

Act III of 1867, s. 9, and Mad.—III 1888, s. 44.

Explanation 2.—It shall not be necessary, in order to convict any person keeping a common gaming-house or of being concerned in the management of any gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Act III of 1867, s. 4, and Mad.—III of 1888, s. 46.

Explanation 3.—Any person found in any common gaming-house, during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Act III of 1867, s. 8, and Mad.—III of 1888, s. 47.

Instruments of gaming may be ordered to be destroyed on conviction.

63. On conviction of any person for keeping common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by order of the Magistrate, and such Magistrate may order all or any of the other articles seized or the proceeds thereof to be forfeited.

Act III of 1867, s. 11, and Mad.—III of 1888, s. 48.

Indemnification of witnesses.

64. Any person who shall have been concerned in gaming contrary to this Regulation, and who shall be examined as a witness before a Magistrate on a trial of any person for a breach of any of the provisions of the Regulation relating to gaming and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Regulation for anything done before that time in respect of such gaming.

Act III of 1867, s. 12, and Mad.—III of 1888, s. 49.

Saving of games of skill.

65. Nothing in Sections 38 and 62 of this Regulation shall be held to apply to games of mere skill wherever played.

Act III of 1867, s. 16, and Mad.—III of 1888, s. 50.

Payment of portion of fine to informer or Police.

66. The Magistrate may *award any* portion, not exceeding one-half, of any fine which shall be levied under Section 62 of this Regulation, and of the moneys or proceeds of articles seized and ordered to be forfeited under Section 63, to informers or Police officers who may have assisted in the detection of the offenders.

Based on Act III of 1867, s. 13.

Penalty for setting birds and animals to fight in public street or place.

67. Whoever is found setting any birds or animals to fight in any public street, place or thoroughfare or is there present aiding and abetting such public fighting of birds and animals, may be arrested by any Police officer without a warrant, and shall be *punished*

with fine not exceeding fifty rupees or imprisonment for a term not exceeding one month or *both*.

Mad.—III of 1888, s. 64.

Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.

68. Whoever is found between sunset and sunrise—

(1) armed with any dangerous instrument with intent to commit an offence, or

(2) having his face covered, or otherwise disguised, with intent to commit an offence, or

(3) in any dwelling house or any other building, or on board any vessel or boat, without being able satisfactorily to account for his presence there, or

(4) lying or loitering in any street, or other place, being a reputed thief, and without being able to give a satisfactory account of himself, or

(5) having in his possession without lawful execuse any implement of house-breaking,

may be arrested by any Police officer without a warrant, and shall be *punished with* imprisonment for a term not exceeding three months.

Bom.—IV of 1890, s. 68.

Penalty for contravention of rules or directions under Sections 39, 40, 41, 44, and 45.

69. Whoever—

(*a*) disobeys an order lawfully made under Section 39, 40, or 41, or

(*b*) opposes or fails to conform to any direction given by the Police under Section 44, or—

(*c*) opposes and disobeys any rule made or direction given by the Police under Section 45, or—

(*d*) contravenes any condition of a license granted under clauses (*a*) and (*b*) of the said section, or

(*e*) abets the commission of any offence *referred to in* clause (*a*), (*b*), (*c*), or (*d*),

shall be punished with fine which may extend to two hundred rupees.

Bom.—IV of 1890, s. 69.

Penalty for contravention of regulation made under Section 42.

70. Whoever contravenes or abets the contravention of any regulation made under Section 42, shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Bom.—IV of 1890, s. 70.

Penalty for contravention of direction given under Section 43.

71. Whoever opposes or disobeys any direction given by a Magistrate of a District or a Sub-Divisional Magistrate under Section 43, or abets opposition to, or disobedience of any such direction, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Bom.—IV of 1890, s. 71.

Penalty for opposing or not complying with direction given under Section 50.

72. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under Section 50, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Bom.—IV of 1890, s.72.

Jurisdiction when offender is a Police officer above the rank of constable.

73. Offences against this Regulation when the accused person or any one of the accused persons is a Police officer above the rank of constable, shall not be cognizable by a Magistrate below the Second Class.

Bom.—IV of 1890, s.73.

Prosecution for certain offences against Regulation to be in discretion of Police.

74. It shall not, except in obedience to a rule or order made by the Government or by the Magistrate of the District, be incumbent on the Police to prosecute for an offence punishable under Section 55, 56, 60, 61, 69, 70, or 71, when such offence has not occasioned serious mischief, and has been promptly desisted from on warning given.

Bom.—IV of 1890, s.74.

Prosecution for offences under other enactments not affected by Regulation.

75. Nothing in this Regulation shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Regulation or from being prosecuted and punished under this Regulation for an offence punishable under any other enactment: Provided that all such cases shall be subject to the provisions of Section 403 of the Code of Criminal Procedure.

CHAPTER VIII.

MISCELLANEOUS.

Bom.—IV of 1890, s.75.

Disposal of rewards, etc., payable to Police officers.

76. All sums paid for the service of process by Police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers *or are awarded to them by Magistrates* shall, except as hereinafter in this section provided, be credited to Government: Provided that, with the sanction of Government, or under any rule made by Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to Police officers *or other person.*

Bom.—IV of 1890, s.77.

No Municipal or other rates to be payable by Government on Police buildings.

77. No Municipal or other local rates shall be payable by the Government on account of the occupation or use of any house of place by members of the Police force for the convenient performance of their duties.

Mad.—III of 1888, s. 78.

Power of Government to make rules.

78. (1) The Government may make rules consistent with this Regulation for more effectually carrying out the objects thereof and may, from time to time, repeal, alter or amend such rules.

Cp. Criminal Tribes Act. XXVII of 1871.

Surveillance, etc., of criminal gangs.

(2) Such rules may, among other matters, provide for the registration, surveillance, and control of gangs or classes of persons believed to be addicted to the systematic commission of *crime, and for the recording of finger-impressions by the Police of any person who—*

(a) is in custody for a non-bailable offence, or

(b) has no settled abode and is suspected to be addicted to crime, or

(c) is a member of a gang or class of persons generally addicted to crime.

Mad.—III of 1888, s. 79.

Publication of rules.

(3) Every rule under this section shall be published in the official Gazette in English and Kanarese, and shall come into effect one month from the date of its first publication.

Mad.—III of 1888, s. 80, and Act XXVII of 1871.

(4) For every breach of any such rule, the offender shall, on conviction, *be punished with* fine not exceeding ten rupees, or imprisonment not exceeding one month.

Penalty for breach of rules.

Bom.—IV of 1890, s. 78.

79. Any order or notification published or issued by the Government or by a Magistrate or officer under any provision of this Regulation, and the due publication and issue thereof may be proved by the production of a copy thereof in the official *Gazette*, or of a copy thereof signed by such Magistrate or officer and by him certified to be a true copy of an original, published and issued according to the provisions of the section of this Regulation applicable thereto.

Method of proving orders and notifications issued under Regulation.

Do s. 79.

80. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient for any defect of form or publication or any irregularity of procedure.

Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.

Do s. 80.

81. (1) No Magistrate or Police officer shall be liable to any penalty *or* to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Regulation or of any rule, order or direction lawfully made or given thereunder.

No magistrate or Police officer to be liable to any penalty *or* damages for act done in good faith in pursuance of duty.

(2) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by the Government, or by a person empowered in that behalf under this Regulation or any rule made under any provision thereof.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(3) In any case of an alleged offence by a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Magistrate, Police officer or other person, by any act done under colour, or in excess of any such duty, or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than *one year* after the date of the act complained of.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if instituted after one year.

Act V of 1861, s. 42.

(4) No plaintiff shall recover in any such suit if tender of sufficient amends shall have been made before the institution of such suit, or if a sufficient sum of money shall have been paid into Court after institution thereof, by or on behalf of the defendant, and, though a decree shall be given for the plaintiff in any such suit, such plaintiff shall not have costs against the defendant, unless the Court shall certify its approbation of the suit.

Tender of amends.

New.

82. Nothing in this Regulation shall affect any of the provisions of any law in force relating to municipalities.

Regulation not to affect any law relating to municipalities.

SCHEDULE A.

(See Section 2.)

ENACTMENTS REPEALED.

Number and year of enactment	Title or subject	Extent of repeal
V of 1861 ...	An Act for the Regulation of Police (as extended to the town of Bangalore by Government of India Notifications No. 385, dated the 11th December 1866, and No. 322—I. J., dated the 19th November 1879).	The whole.
III of 1867 ...	For the punishment of public gambling and the keeping of common gaming-houses (as extended to the town of Bangalore by Government of India Notification No. 240, dated the 11th December 1867).	The whole.
1872	Regular Police Rules, published under Government of India Notification No. 230 J., dated the 16th October 1872.	The whole, *with the exception of the provisions prescribing diaries, books, registers, returns and reports, so far as they are not inconsistent with this Regulation or Rules framed thereunder.*

SCHEDULE B.

(See Section 10.)

Form I.

FORM OF CERTIFICATE FOR INSPECTOR *of Police.*

The seal of the Inspector-General of Police in Mysore.

*A. B.** has been appointed *an Inspector in the Mysore Police Force*.....and is vested with the powers, functions and privileges of a Police officer under the Mysore Police Regulation, 190

Dated the.....

(Signature)
Inspector-General of Police.

* *Particulars* :—

Father's name.....

Race, religion, caste.....

Native place.....

Age.....

Form II.

Form of Certificate for Police Officer below the grade of Inspector.

A. B. has been appointed to the Police Force, Mysore, and is vested with the powers functions and privileges of a Police officer under the Mysore Police Regulation, 190*

Dated the.....

(Signature)

Deputy Commissioner.

** Particulars :—*

Father's name.....

Race, religion, caste.....

Native place.....

Age.....

Statement of Objects and Reasons.

There are at present two different enactments in force in the State on the subject of Police Administration, namely, Act V of 1861 in force in the Bangalore City and the Regular and Village Police Rules of 1872 in force in the rest of Mysore. The desirability of having one uniform system of administration throughout the State was recognized in 1886; and a Draft Regulation was prepared having for its object the repeal of Act V of 1861 in the Bangalore City and the extension thereto of the Police Rules with suitable modifications. In 1889, however, it was decided to frame a Regulation adopting Act V of 1861 in preference to the Rules, any necessary portions of the latter being, at the same time, retained as Rules under the Regulation; but the criticisms elicited tended to show that this draft was imperfect in many particulars and required much revision before it could be passed into law. Under these circumstances it was dropped in 1897 and a fresh Draft Regulation was prepared on the basis of the Bombay Act IV of 1890, which, with such modifications and additions as the circumstances of the State rendered necessary, seemed, to be an improvement upon the draft of 1889. This draft dealt with the Regular Police only (the Village Police being reserved to form the subject of a separate enactment) and also embodied in the proper places the provisions of the Gambling Act III of 1867, the extension of which to Mysore had been repeatedly suggested from various quarters. Later on, the draft was further revised in the Legislative Department to bring it into greater conformity with the existing system of Police Administration in Mysore, and was in September 1901 published in the *Mysore Gazette* for general information.

Before taking up the draft for final consideration, however, Government thought that the importance of the subject and the various interests involved rendered it necessary that the draft should undergo revision at the hands of some officers of Government having experience of the local conditions in general and the working of the Police Department in particular. Accordingly in Government Order No. J. 565-77—Legis. 11-04, dated the 29th August 1904, a Committee was appointed composed of the marginally noted officers, for revising the Draft Police Regulation. The Committee after much deliberation and discussion have submitted their report in which they recommend several changes in the Draft Regulation. The more important of the additions and alterations recommended by the Committee are noted below:—

1. Mr. A. Rangaswami Iyengar, then Judge, Chief Court, President.
2. Mr. F. E. C. Carr, Inspector General of Police.
3. Mr. M. Narain Rao, then Deputy Commissioner, Kadur.
4. Mr. K. P. Puttanna Chetty, then Deputy Commissioner, Kolar.

} Members.

Section 3, re power to make Rules as to Village Police, is new and is based on Madras Act III of 1865, Sections 78 and 79.

Section 4, clause (b). The definition of "District Superintendent" has been taken from Act VIII of 1895.

Clause (c), (e) and (g). The definitions of "Inspector," "District," "Taluk" and "Sub-Taluk" are new; the word "District" has been so defined as to include a portion of a district placed in charge of a District Superintendent for the purposes of this Regulation.

Section 5, re constitution of the Police Force, has been adapted from Section 2 of Act V of 1861 in lieu of Section 4 of the Bombay Act, which contemplates a separate Police Force for each district.

Section 10. A form of certificate of appointment to be granted to Inspectors by the Inspector-General has been prescribed and the form of certificate for officers below the grade of Inspectors has been so altered as not to give room to any policeman to understand that he has a right to employment in any one district.

Section 12 is new. It provides that the Inspector-General shall be the head of the Police Department and the adviser of Government in all matters connected with the Police; that he will exercise general control over the Police Force and

over crime, more particularly, organized and professional crime, and, subject to the approval of Government, make rules and orders in certain matters connected with the regulation, control and discipline of the Police Force.

Section 15 (1), which is new, empowers the District Superintendent, under the general control of the Deputy Commissioner who, under Section 14, is the head of the Police in his district, and without prejudice to the powers and responsibilities of the latter, to have control over the equipment, drill, education and such other routine matters connected with the Police of the district.

Sub-Section (2) similarly defines the respective powers of the Amildar or Deputy Amildar and the Inspector over the Taluk Police.

Section 16, which is taken from Rule 27 of the Regular Police Rules, empowers the Deputy Commissioner to make any necessary distribution of the Police Force within his jurisdiction.

Sections 18 and 19. Under these sections, both the Inspector-General and the Deputy Commissioner have been enabled to take the initiative in the matter of employing additional Police when necessary.

Section 22. The provisions of this section have been made applicable not only to cases of injury arising from a riot or an unlawful assembly, within the area notified as being in a disturbed state, but also to cases where the necessity for such notification has been obviated by the disturbance subsiding after the unlawful assembly has attained its object.

Section 25. The matters in regard to which the Inspector-General may call for reports and statements have been more fully enumerated.

Section 27 (2). Limits appeals on orders of punishment of constables to the Inspector-General, appeals in the case of other officers being made to lie to Government.

Section 38. This section, which empowers the District Magistrate, etc., to authorize a Police Officer to enter a common gaming house, has been taken from the Public Gambling Act III of 1867 and Madras Act III of 1888 and made applicable to the whole State, as gambling has spread even to remote villages.

Section 45. Empowers Police Officers not below the grade of Inspector to regulate assemblies, etc., in public streets, the power being exercised subject to any rules made by proper authority.

Section 53 has been amended by providing for submission of reports regarding unclaimed property to a Magistrate having local jurisdiction instead of to "such Magistrate as the Magistrate of the District shall from time to time appoint" and for the Magistrate following the procedure laid down in Section 523 of the Code of Criminal Procedure.

Section 55, clause (b). This has been re-drafted by adopting the form of the Rule as given in the Madras City Police Act, Section 71 (5), and by combining with it a provision against rash or negligent driving.

Clause (g). The acts mentioned in this clause have been made penal without proof of obstruction, danger, alarm or annoyance.

To the last clause of this section, a proviso has been added that imprisonment in default of payment of fine shall not exceed eight days notwithstanding anything contained in Section 67 of the Indian Penal Code, as it is deemed unnecessary to allow a longer term of imprisonment in such cases.

Section 76. This section has been slightly altered so as to make it applicable not only to forfeitures, etc., payable by law to Police Officers, but also to sums awarded to them by Magistrates, and also to provide for the whole or any portion of such rewards being granted to any other persons besides Police Officers.

Sub-Sections (2) and (3) of Section 77, which required Municipalities to provide accommodation for the Police employed for their service, have been omitted as these bodies have been relieved of Police charges and there is no separate Police Force for any Municipality.

By Order,
K. MYLAR RAO,
Secy., Mysore Legislative Council.

SL No 6

Draft POLICE REGULATION.

Statement of Objects and Reasons.

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There are at present two different enactments in force in the State on the subject of ~~of~~ Police administration; namely, Act V of 1861 in force in the Bangalore City and the Regular and Village Police Rules of 1872 in force in the rest of Mysore. The desirability of having one uniform system of administration throughout the State was recognised in 1886; and a Draft Regulation was prepared having for its object the repeal of Act V of 1861 in the Bangalore City and the extension thereto of the Police Rules with suitable medifications. In 1889, however, it was decided to frame a Regulation adopting Act V of 1861 in preference to the Rules, any necessary portions of the latter being, at the same time, retained as Rules under the Regulation; but the criticisms elicited tended to show that

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G.R.S. 26]

File No.

Serial No

Diary No. of letter replied to

Type 12 copies

No. 56-62 Ecc

From K. Mylar Rao Esqr B.A. B.L. Secretary, Mysore Legislative Council

To

Esqr.

Member, Mysore Legislative Council

General and Rev. Secretariat

( )

, the 190

Date of issue 28. 8. 07

Signed by K. Mylar Rao

Sir,

In continuation of this office letter No. 43-54/L.C. dated the 31st July 1907, I have the honor to forward herewith 12 copies each of the Police Bill and the Bill to amend the Court Fees Regulation III of 1900, with the statements of objects and reasons therefor and a copy each of the marginally noted papers printed in connection with the former Bill.

I have &c

1) Memorandum on the system of Police Force in Mysore
2) Journal of the Proceedings of the Committee appointed to revise the Draft Police Regulation
3) Report of the above Committee, with appendices 1, 2, 4 & 7.

Secy, Mysore Legislative Council

SUBJECT.

1 1907

8 Pri (8)

No ~~Leg~~ 8 13/8/07

Bangalore.

Dated 13th August 1907.

20.8.07

To

K. Mylar Rao Esq. B.A., B.L.,

Secretary to the Mysore Legislative Council.

SIR,

Please take notice that I intend making a motion that the Police bill, for the introduction of which leave was granted at the Meeting held on the 24th July last, be read

at the meeting of the Mysore Legislative Council to be held on Wednesday the 28th August 1907.

I have the honor to be,
Sir,
Your most obedient servant,

Member, Mysore Legislative Council.

THE MYSORE LEGISLATIVE COUNCIL
No. 9/dd
13.8.07

(6) Bl No 8

No 1/Leg.

Bangalore,
Dated 13th August 1907

Note 13/8/07

To

K Nylar Rao Esq BA BL
Secretary to the Mysore Legislative Council.

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I have the honor to be,
Sir,
Your most obedient servant,

[illegible]
Member, Mysore Legislative Council.

8LP (9)

SUPPLEMENT TO

The Mysore Gazette

PUBLISHED BY AUTHORITY.

BANGALORE, THURSDAY, AUGUST 29, 1907.

Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Council Chamber, Public Offices, at 3 P.M. on Wednesday, the 28th August 1907.

PRESENT.

V. P. MADHAVA RAO, ESQ., C.I.E., Dewan (Presiding).

Ex-officio Members.

T. ANANDA RAO, ESQ., B.A., (First Councillor).
K. P. PUTTANNA CHETTY, ESQ., (Second Councillor).

Additional Members.

Official.

A. RANGASWAMI IYENGAR, ESQ., B.A., B.L.
H. J. BHABHA, ESQ., M.A.
RAO BAHADUR M. MUTHANNA, ESQ.
M. KANTHARAJ URS, ESQ., B.A.
S. NARAYANA RAO, ESQ.

Non-official.

V. N. NARASIMMIYENGAR, ESQ.
M. C. RANGIENGAR, ESQ., B.A.
B. NAGAPPA, ESQ., (Bar.-at-law).
SYED AMIR HASSAN, ESQ.

ABSENT.

Non-official.

RAJAMANTRA PRAVINA C. SREENIVASIENGAR, ESQ.

K. MYLAR RAO, ESQ., B.A., B.L. (Secretary).

DEWAN :—

Mr. C. Sreenivasaiengar has sent a letter regretting his inability to attend this meeting. He states that he generally approves of the principles of the bills, but that he has got certain amendments to propose, which he will do in due course.

The Secretary reported for the orders of the Council the representations received from Mr. Hema Hanumanthaiya, retired Assistant Commissioner, Mr. S. R. Balakrishna Rao, Advocate, Patel Subbaroyappa and Lakshminarasimhachar. The first two were reserved for consideration, and the other two were filed as they did not relate to any matter actually under the consideration of the Council.

Mr. Narasimmaiengar presented a petition received by him from certain raiyats of the Devanhalli Taluk and observed that it was a protest against the Village Offices Bill.

Bill to amend the Stamp Regulation, II of 1900.

MR. A. RANGASWAMI IYENGAR :—

SIR,

I rise to move for permission to introduce a bill further to amend the Regulation No. II of 1900, relating to Stamps. That Regulation itself was passed on the lines of the Indian Stamp Act of 1899 in amendment of the previous Act I of 1879 which was in force in the Province. Since then the Indian Stamp Act of 1899 has been modified considerably by Acts VI of 1900, XI of 1904 and V of 1906. In the amendment Regulation now proposed are embodied all the changes introduced by these three amendment acts.

These changes have been arranged in ten clauses. Of these that which deserves to be mentioned first is clause No. 7 relating to the alteration of clause (1) (*b*) of Section 40 of Regulation II of 1900. This latter clause gives no discretion to the Deputy Commissioner to levy a penalty of less than ten times the amount of the proper stamp duty or of the difference between it and the stamp affixed on the instrument, where such amount is in excess of Rs. 5, even when he considers that it would be a hardship to enforce the full penalty. The hardship caused by this was brought to notice at the last meeting of the Representative Assembly. It is proposed to remedy this by inserting the words "an amount not exceeding" before the words "ten times the amount" in the said sub-section. This amendment has already been made by Act IV of 1904 in the Indian Stamp Act 1899.

The next in order of importance is clause 4 proposing a modification of the first proviso in Section 26 of the Regulation II of 1900. Under the existing proviso, the tendency is to levy stamp duty on Mining leases granted by Government where the value of the share or royalty is indeterminate, on an assumed valuation of Rs. 20,000 a year. This is considered unsuitable and hard in the case of small and unproductive mines. It is proposed to remedy this by providing that where a Mining lease is granted by the Government, the stamp duty leviable thereon will be according to the estimate, to be made by the Deputy Commissioner, of the amount of royalty payable. Clause 9 provides for the revision of the Deputy Commissioner's decision in such cases by the Chief Controlling Revenue Authority.

Another modification of some importance is made by clauses 1 (*a*) and (3). The former clause defines the expression "Marketable security." This definition is necessary in connection with the new Section 23*A* proposed in clause 3 providing for the levy of a fixed fee of 8 annas only instead of the fees prescribed in article 6 of Schedule I, when the security deposited by way of equitable mortgage is marketable.

Clause 10 (1) is also of some importance. There appears to be some doubt as to whether pawns and pledges come under article 6 of Schedule I. Other defects and anomalies noticed in the same connection are—

(*a*) want of provision therein for the case where an equitable mortgage is executed to secure the repayment of a loan after more than one year;

or (*b*) for the case where the advance secured is repayable on demand.

It is proposed in clause 10 (1) to omit the term "equitable mortgage" and amplify the article so as to define more clearly the nature of the transaction intended to be covered. Pawns and pledges are specifically mentioned and the reference to 'hypothecation' has been omitted; thus all transactions of the nature of hypothecation, *i.e.*, where movable property is simply appropriated by way of security for the discharge of a debt or engagement without parting with its possession are outside the scope of the article. It is proposed to impose the same duty on a document securing repayment after more than one year as that on a document securing repayment within one year; and documents securing repayments on demand are to be liable to the same duty as that on documents securing repayments after more than three months.

[*Mr. A. Rangaswami Iyengar; Mr. T. Ananda Rao.*]

Finally it is proposed to place all documents, whether their execution is or is not simultaneous with the advances secured by them, on the same footing.

Clauses 5 (*b*), 6 & 10 (7) relate to the duty on fire and marine insurance policies and have been introduced, though not likely to be required for use in the State, in order to bring the provisions of our Stamp law in line with those of the British Indian Act.

The following clauses also propose minor changes of some practical use :—

Clause 1 (*c*).—It suggests an addition to the definition of 'Settlement' with the object of preventing the evasion of stamp duty imposed on settlements which it is now possible to effect by the simple expedient of first making an oral disposition of the property to be settled and then recording the terms of the disposition in a declaration of trust in which the Settler and the Trustees join. Such an instrument is only chargeable with a stamp duty of Rs. 15 under Article 62 instead of with the heavier duty imposed by Article 56. The proposed addition to the definition will have the effect of requiring such instruments in future to be stamped as Settlements.

Clause 10 (5).—Stamp duties on certain mortgages of crops are reduced from four annas to two annas.

Clause 8.—Admits private banking firms to the benefit allowed by Section 51 of the Regulation in regard to the refund of the value of unused stamp papers.

It is unnecessary to refer to the remaining clauses as they are either unimportant or have been framed to carry out the amendments and alterations necessitated in the Act and the first Schedule by the amendments referrred to in the preceding paras.

MR. S. NARAYANA RAO seconded the motion, and it was put to the Council and carried.

The Village Offices Bill.

MR. T. ANANDA RAO :—

SIR,

Under Rule 33 of the Rules for the conduct of business, I beg to move that the bill to consolidate and amend the law relating to Village Offices in Mysore be read in Council. The bill has been printed and published in the *Mysore Gazette*, and copies have been furnished to the Members of this Council. The bill is accompanied by a Statement of Objects and Reasons. By a study of them, I have no doubt that Members have realized to themselves what I stated the other day in regard to the principles and scope of the proposed measure. It does not appear that notices of any amendments have been given. But it is not to be inferred from this that the bill is beyond criticism and incapable of improvement. Probably, proposals in this behalf have been reserved for the Committee stage of the bill. And speaking for myself I can say that this is the case. For example, on an examination of clauses 5, 6, and 7 of the bill, it will be found that the principal Village Officers, Patel, Shanbhog, Nirganti, Toti and Talari in alienated villages are, in respect of qualifications for office and discipline in office, placed on a somewhat different footing to that of their brother officers in Sirkar villages, the difference being, in my opinion, to the prejudice or in disparagement of the proprietors of alienated villages. Seeing how badly village accounts are kept, how badly also revenue is collected and accounted for to the raiyat and to the proprietor in an alienated village, I would like to see these proprietors possess facilities for better control over their village servants than is given in the bill. I reserve proposals in this behalf for the Committee stage. For another example, the representation from Mr. Hema Hanumanthaiya, retired Assistant Commissioner, which has been just presented to Council, is an interesting document making some suggestions worthy of being examined by a Select Committee on this bill. I may here refer to what he says regarding the necessity for registering the sonless widow in some cases as the holder of an office, and allowing her to appoint a substitute with reservation to herself of one-quarter of the salary of the office. It may be that the deceased husband obtained the office in the course of a partition of family property in which the office was reckoned as an asset; and in that case, it would indeed be a hardship to her to be deprived altogether of the emoluments of the office, and thereby perhaps the means of livelihood, upon the death of her husband without a son to take his place. It will be for the Select Committee first, and for this Council next, to consider how her requirements can be reconciled with those of the public service. Under such circumstances, I move that the bill may be read in Council, and that the Council may be pleased to appoint a Select Committee under Rule 33, clause 2, to consider and report on the bill.

[*Mr. Rangiengar; Mr. A. Rangaswami Iyengar; Mr. T. Ananda Rao; Dewan; Mr. K. P. Puttanna Chetty.*]

MR. RANGIENGAR:—

I heartily second the motion just now made by the First Councillor. The principles of the bill seem to have been discussed almost thread-bare by high officers of Government. There may be little to add to what has already been urged on behalf of the amendment of the bill; but owing to various reasons, as pointed out by the mover himself, the bill should go before a Select Committee and discussed in detail section by section. I submit that the bill may be referred to a Select Committee.

MR. A. RANGASWAMI IYENGAR:—

With your permission I will make one or two remarks on this occasion. There are a number of amendments which I shall reserve for the Select Committee stage. But on one principle I wish to dwell before the bill is referred to the Select Committee. The provisions of the bill are calculated to impair the hereditary nature of the appointments. I think the Council will do well to examine that point before referring it to the Committee as it stands, or if the Council will express their opinion on that point, it will enable the Select Committee to modify the provisions in conformity with that view, in their discussions. The appointments have been held to be hereditary for a long time, and the remuneration paid to these officials is so small that but for their hereditary character, it would have been impossible for the Government to have secured their services for so long. And this is important for another reason. If we want to promote the corporate nature of the village community and give certain powers of management to them, the Village Officers will be a very important element of that corporate body, and unless steps are taken to make the offices continue in the same family, it is not likely that the officials holding these appointments will command the necessary influence. It is very good to have educational and other qualifications, but these will not at all supply what is most wanted in these offices and that is, the influence which the hereditary character of the office and long residence in a village carry with them. I think, therefore, I am justified in proposing this point for the consideration of the Council at this stage. The rules framed are, I fear, calculated to disturb the hereditary nature of the appointments. No doubt, discretion is given to the Deputy Commissioners to select out of the family, but once there is none in this family who is qualified, the appointment may go out of the family altogether.

MR. T. ANANDA RAO:—

That point was not unnoticed. I said we were going to respect all the traditions of the appointments subject to what is essential for improving the service.

DEWAN:—

I do not think there is any idea of departing from the principle we have all along recognised in making the appointments. The hereditary principle is fully recognised and will be departed from only when it conflicts with the fitness of the individual, and even then the office will not be taken away from the family altogether.

The motion was put to the Council and carried, and the bill referred to a Select Committee consisting of Messrs. T. Ananda Rao, A. Rangaswami Iyengar, V. N. Narasimmiyengar, M. Kantharaj Urs and M. C. Rangiengar, for report before the 28th November 1907.

The Police Bill.

MR. K. P. PUTTANNA CHETTY:—

I have already explained in my opening speech the main principles of the bill. I shall only take up certain objections brought forward in the public press against the measure.

Two kinds of objections have been raised with reference to the Bill. The first objection is directed against the continuance of the Police powers of the Amildar and the Deputy Commissioner; while the second objection, approving of this arrangement, finds fault with the bill because it is thought that it ignores the principle of the separation of the executive and judicial functions. As regards the first objection, I have dwelt sufficiently at the last meeting

[*Mr. K. P. Puttanna Chetty; Mr. T. Ananda Rao; Mr. B. Nagappa.*]

upon the advantages accruing from the exercise of control over the Police officers by the Amildar and the Deputy Commissioner, and it is not perhaps necessary to say more on the point. I may, however, point out that the bill merely defines the existing state of things and that, where it deviates from the present system, it gives more liberty of action to the Police officers than they at present enjoy. The bill merely continues the Police powers of Amildars and Deputy Commissioners which they have been enjoying for a long time. The existing system does not appear to have caused any inconvenience or injustice. Therefore it rests on those who object to the present system to make out a case for divesting these executive officers of their Police functions. There is nothing objectionable in principle in investing the chief executive officers of the taluk and district, respectively, with the executive powers of Police officers.

The objection that the bill perpetuates the combination of executive and judicial functions is based on a misapprehension of the scope and objects of the bill. It is enough to dispose of this objection to say that there is nothing either in the bill or in my speech in introducing it to justify the assumption that the combination of the executive and judicial functions is extolled or extenuated. The question is a large and difficult one; it requires consideration from various aspects. And we cannot very well deal with the question in a bill which has for its subject-matter the organization and discipline of the Police force. In this bill, what we are concerned with is, whether it is not advantageous to continue the Police powers of the executive officers referred to. In this connection I see no advantage in discussing the wholly different question of the separation of executive and judicial functions. I may, however, say that the subject is engaging the attention of Government.

With these remarks I beg to move that the bill be read in Council.

MR. B. NAGAPPA seconded the motion and said that he was in agreement with the general principles of the bill.

The motion was put to the Council and carried, and the Bill referred to a Select Committee consisting of Messrs. K. P. Puttanna Chetty, V. N. Narasimmiyengar, M. C. Rangiengar and B. Nagappa for report before the 28th November 1907.

Bill to amend the Court Fees Regulation, III of 1900.

MR. T. ANANDA RAO :—

SIR,

The prescribed formalities having been fulfilled, I rise to move under Rule 33 that the bill to amend Section 4 of the Mysore Court Fees Regulation, III of 1900, be read in Council.

2. The justification for the proposed measure was stated by me here the other day, and has been explained in the Statement of Objects and Reasons. It might be further explained that as the law is now understood to stand in suits between landlord and tenant, when the tenant sues the landlord to recover possession of land from which he was unlawfully ejected, the Court fee payable is based on the yearly rental as stated in clause (xi) (*e*) of section 4 of the Regulation. But if it is the other way, that is, if the landlord sues the tenant to recover possession of land which the tenant unlawfully persists in holding, the basis of the Court fee is not the rent but the value of the land itself. The bill now proposes to alter this so as to make the yearly rent the basis in both cases. To prevent the temptation which frequently exists to strain the terms of a tenancy beyond fair bounds either way, it is proposed to fix a minimum amount as the Court fee. Thus, the Court fee payable is to be a fixed fee of Rs. 10 or, according to the last yearly rent whichever is the greater of the two. The proposed bill is short and simple, and I do not know that the Council is not prepared to proceed with it without the intervention of a Select Committee.

MR. B. NAGAPPA :—

I second the motion. It is not necessary to refer this Bill for the consideration of the Select Committee.

There is an obvious defect in the section, namely, that it does not provide for cases where a tenant denies the landlord's title and the Courts allow the plaintiff to amend his plaint and prove his title. In such cases there is no provision empowering the Courts to levy additional Court fees. There will also be a difficulty about the question of jurisdiction.

With a view to remedy these defects an amendment may be proposed at the next meeting of the Council when this Bill will be formally considered.

[*Mr. Rangiengar.*]

MR. RANGIENGAR read Section 7, sub-head (xi), clause (*c.c.*) of the British Indian Court Fees Act as amended by Act VI of 1905, and said:—The amendment introduced into the British Indian Act is very simple and covers all cases contemplated by the present proposed amendment. There is no reason why any minimum fee of Rs. 10 should be fixed. As in British India, we here may simply provide for the Court fee being paid according to the annual rental value. The learned member in charge of the bill pointed out that a tenant can sue his landlord for possession of the property leased, paying a Court fee upon the annual rental value, and claimed for the landlord a similar indulgence. I am quite at one with him on this point. It seems to me that the provision relating to the suit by the tenant is capable of improvement. The provision as it stands at present enables the tenant to sue on a smaller stamp for being restored to possession of the property leased of which he has been wrongfully deprived. The existing provision does not provide for the tenant suing on a smaller stamp his landlord for being put in possession of the property leased, if the landlord refuses to deliver possession at all. A further difficulty in connection with the proposed amendment is what should be done when the defendant denies the lease altogether. Is the suit to be confined to the trial of one issue as to the existence of the relationship of landlord and tenant between the plaintiff and the defendant, and if that issue is found against the plaintiff, is the suit to be dismissed upon the analogy of a summary suit under Section 9 of the Specific Relief Act, or will the Council provide for the suit being tried on the question of title upon payment of any additional Court fee? These are some of the questions that demand consideration.

The Dewan observed that these were points to be discussed in a Select Committee, and the Council was also of this opinion.

The motion to read the bill was put to the Council and carried, and the bill was referred to a Select Committee consisting of Messrs. T. Ananda Rao, A. Rangaswami Iyengar, S. Narayana Rao, M. C. Rangiengar and B. Nagappa for report before the 28th November 1907.

The meeting was then dissolved.

V. P. MADHAVA RAO,
President.

Report of the Select Committee appointed for the consideration of the Police Bill.

We, the members of the Select Committee appointed for the consideration of the Police Bill, beg to submit the following report thereon. Owing to several causes, the Committee was unable to sit earlier, and had consequently to get the period for the submission of the report extended by ~~one~~ about two months. We have now carefully considered the several provisions of the Bill in detail and also the several representations that were received. The principal amendments proposed and the reasons therefor are noted below.

Clause 3-Sub clause(1)(i).

We are of opinion that the expressions "subject to the provisions of the Village Officers Regulation", should be inserted between the words "provide" and "for" occurring herein, so as to subject the entertainment, appointment, &c of the officers mentioned, to the provisions of the said regulation and not to interfere therewith.

In this connection we would recommend that printed books with counterfoils and pages consequtively numbered should be supplied to the Patels for communicating their first information

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information reports to the Police, one copy being retained by the patels and the other sent to the Station House Officer.

Clause 4- Definitions.

The word "vehicle" has been added in the definition of 'Common gaming house', so as to remove all doubts as to whether vehicles come under the definition or not; and meet gambling in carriages, &c in transit.

A definition of the word "vehicle" has been added. It is the same as is contained in the Municipal Regulation but with a slight amendment, so as to include conveyances used or capable of being used not only on a public street but also elsewhere, for instance on a railway line.

Clause 9

The word ' and ' is replaced by the words " or by " , to make the meaning clear and to avoid any misapprehension that both the Deputy Commissioner and the District Superintendent should concur in making the appointment.

Clause ~~Sec~~ 11(2)(a)

This clause is transposed and inserted under Clause ~~section~~ 10(2) which is its proper place. It is a little imperfect; for instance, it does not cover the case of an Inspector who ceases to be such, but may nevertheless continue to be a Police officer, as when he is degraded, and his certificate should become null and void and should be surrendered by him. We have therefore added a new para under Clause ~~section~~ 10(1) regarding the certificates of Inspectors. The corresponding provision in the Bombay Act provides for the previous service, if any, being entered in the certificate We have thought it desirable to note in the certificate the length of the previous service, if any, and have accordingly amended the schedule prescribing the form of certificate by inserting an additional heading.

Clause ~~Section~~ 12.

The words " adviser of Government in all matters connected with the Police ", are omitted, as they appear to be unnecessary and unusual.

~~Section~~ Clause 13.

As the clause stands, unless and until any limitation is imposed by Government, the Inspector General of Police may exercise all the powers of a First Class Magistrate, We are of opinion that the Inspector General should not exercise such powers without being specially authorised by Government, and should do so only in such cases and in such manner as may be prescribed by Government. We have therefore amended the clause by adding the words " only in such cases and " after the words " exercise such powers ".

Clause 15,
Sub clause (2)

~~(2)~~. We fully approve of the wisdom of the policy of Government enunciated in this sub-clause and are of opinion that it is conducive to the highest public good. We are glad to recognize in the recent act of Government an earnest of the policy of separating the executive from the judicial.

Clause 17.

The expression " any magistrate in the neighbourhood" has been replaced by the words " the nearest Magistrate", the words used in the Madras Act XXIV of 1859, and the expression "so many of the residents of the neighbourhood as may be required to act", has been qualified by " so many of the fit and capable male residents," in order to prevent indiscriminate impressment.

Clause 22.

Sub Clause (1)

~~(1)~~ It seems to us that the period prescribed for the injured party to prefer an application under this clause for compensation , viz, one month, is too short to meet all cases. We have accordingly extended it to three months and as a consequential change have omitted the expression " or such shorter period as may be prescribed".

Clause 22.

Sub clause (2) (a) (ii). As the sub clause stands, the declaration the Deputy Commissioner may make is with respect to the local area the inhabitants of which have caused or contributed to the holding of the unlawful assembly .But application for compensation may be made to the Deputy

Commr. not only by a person who has suffered any injury from any act done in the prosecution of the common object of an unlawful assembly, but also from the misconduct of the inhabitants or any class or any section of them in any area referred to in section 21, and the Deputy Commissioner should therefore be empowered to declare the area in which the misconduct of the inhabitants has caused the injury. We have therefore added the words "to such disturbed or dangerous state or" after the word "contributed."

Clause 22 Sub clause (6)

What is intended by this sub clause evidently is that a party who has taken the amount awarded by the Deputy Commissioner is precluded from seeking further relief in a Civil Court. But it does not prevent a party in whose favor an award is made but who does not take the amount on the ground of its being inadequate, from going to the Civil Court for redress In order to avoid any possible ambiguity,

ambiguity, the words "and received" are added after "granted".

Clause 26 Sub clause (3)

The words "under sub section (1) " are omitted as being unnecessary and as limiting the powers of the punishing authority to the cases mentioned therein, which do not cover all the cases in which a police officer may be punished

Clause 27, Sub clause (2)

This sub clause is somewhat amplified and the right of appeal is affirmed beyond all doubt.

Clause 28.

The words "or Assistant Superintendent" are deleted, as the words "District Superintendent" have been defined to include an Assistant Superintendent.

Clauses 33 and 34.

The words "on conviction before a Magistrate" are inserted between the words "shall" and "be punished" in these clauses, so as to make the sense more complete.

Clause 35.

We are of opinion that this provision is unnecessary. The District Magistrate who has to move the Government generally in such cases can himself take action under Sec. 144 Criml. Pro. Code. The clause is therefore omitted.

Old clause 36 Sub clause (3) - New clause 35 sub clause (3).

We consider that the period of 15 days fixed for the rule to be in force is too short and have therefore extended it to 30 days.

Old clause 38. New clause 37.

As the clause now stands, it is applicable only to villages and towns proper. We have reason to think that gambling prevails largely outside the towns and villages and by the side of public roads. The scope of the prohibition has therefore been extended by omitting the words "in any town or village" therefrom.

Old clause 42 sub clause (2). New clause 41 sub clause (2).

As the clause stands, the inhabitants of the place where a festival etc are held are liable to be taxed along with the pilgrims resorting thereto. It seems to us that it is inequitable to tax the inhabitants on such occasions as they already pay taxes in some ~~scope~~ shape or other. The raison-d'etre of special taxation in this connection is the influx of extra and fresh people as pilgrims. We understand that the practice hitherto has been to levy the tax on the outside visitors only. We have accordingly amended the clause so as to make the tax leviable

leviable only from the persons repairing to the place.

Old clause 45.New clause 44.

We are of opinion that the power to issue licenses should be reserved in the hands of higher officers, such as Amildars and City Magistrates, and that from order granting or refusing licenses, appeals should lie in the first instance to the District Magistrate and secondly to Government. We have accordingly added 2 new sub clauses marked (1) and (2) and omitted in the original sub clause (1)(a) new sub clause (3)(a) the words "and issue licenses therefor".

Old clause 46 Sub-clause 4
New clause 45 Sub-clause 4

We consider that such a provision as is made herein should not find a place in the Regulation, but should be left to be provided for by rules and have therefore omitted it.

Old clause 55 Sub-clause(k)
New clause 54 Sub-clause(k)

The words " knowingly or " are inserted before "negligently" in this sub-clause, as these words are found in the corresponding provision in the Indian Penal Code section 289. We have also inserted the words "in any street" between the words "animal" and "to ~~attach~~ attack", because the provision as it stands is needlessly rigorous and may render it an offence to suffer a ferocious dog to be at large even within an enclosed compound, during night s, to guard against thieves and trespassers.

Old clause 63
New clause 62.-

This clause shows how instruments of gaming may be disposed of but not how moneys and securities for money found in a common Gaming house and seized under clause 38 of the original bill - new ~~xxxxxxx~~ clause 37 may be disposed of. We have therefore inserted the words "moneys, securities for money" after the word "all".

Old clause 76
New clause 75.

We are of opinion that rewards granted by Officers of Government

Government and by private persons should also be brought under the operation of this section and have --- accordingly amended the clause.

Old ~~section~~ Clause 77.
New ~~Section~~ Clause 76.-

This clause is omitted as sufficient provision has been made in the Municipal Regulation for exempting Police Stations etc., from payment of taxes and in case any further exemption is required in respect of Police buildings intended for the occupation of the members of the --- Police Force, the necessary provision therefor should be left to be made by subsidiary rules

Old clause 78 sub-clause 3
New clause 76 sub-clause 3.-

The period of one month is considered too short and is therefore extended to two months.

--do-- sub-clause 4,-

The period of imprisonment fixed is quite disproportionate to the fine which may be imposed for the breach of the rules as an alternative punishment. We have therefore reduced it to 8 days.

Old clause 81(4).
New clause 79(4) .-

This is omitted as sufficient provision to the same effect ~~is~~ already exists in the Civil Procedure Code.

The

The other amendments are unimportant or are consequential to those already mentioned.

We recommend that the bill as amended by us may be passed into law.

(Sd) V. N. Narasimmiyengar,
(Chairman)

M. C. Rangiengar.

B. Nagappa.

K. P. Puttanna Chetty.

Bangalore,
21st January 1908

G.R.S. 26]

File No. 5

Serial No.

Diary No. of letter replied to

No. 278
L.C. 6-07

General and Revenue Secretariat
( )
, the 190 .

To Notification

Date of issue 21st Jan 08

Signed by Mr K Mylar Rao

Under rule 40 of the rules relating for the conduct of business of the Mysore Legislative Council, the accompanying report of the Select Committee appointed for the consideration of the Police Bill and the bill as amended by them, are published for general information.

By order.

SW 21/1/08

Secy. to L.C.

[Here enter the Department & the Subject]

To the Compiler Mysore Gazette
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BANGALORE, THURSDAY, JANUARY 23, 1908.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 278—L. C. 6-07, dated 21st January 1908.

Under Rule 40 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying report of the Select Committee appointed for the consideration of the Police Bill and the Bill as amended by them, are published for general information.

By Order,
K. MYLAR RAO,
Secy., Mysore Legislative Council.

Report of the Select Committee appointed for the consideration of the Police Bill.

We, the members of the Select Committee appointed for the consideration of the Police Bill, beg to submit the following report thereon. Owing to several causes, the Committee was unable to sit earlier, and had consequently to get the period for the submission of the report extended by about two months. We have now carefully considered the several provisions of the Bill in detail and also the several representations that were received. The principal amendments proposed and the reasons therefor are noted below.

Clause 3, Sub-clause (i), (i).—We are of opinion that the expression "subject to the provisions of the Village Offices Regulation," should be inserted between the words "provide" and "for" occurring herein, so as to subject the entertainment, appointment, etc., of the officers mentioned, to the provisions of the said regulation and not to interfere therewith.

In this connection we would recommend that printed books with counterfoils and pages consecutively numbered should be supplied to the patels for communicating their first information reports to the Police, one copy being retained by the patels and the other sent to the Station House Officer.

Clause 4—Definitions.—The word "vehicle" has been added in the definition of 'common gaming house,' so as to remove all doubts as to whether vehicles come under the definition or not; and meet gambling in carriages, etc., in transit.

A definition of the word "vehicle" has been added. It is the same as is contained in the Municipal Regulation but with a slight amendment so as to include conveyances used or capable of being used not only on a public street but also elsewhere, for instance on a railway line.

Clause 9.—The word 'and' is replaced by the words "or by," to make the meaning clear and to avoid any misapprehension that both the Deputy Commissioner and the District Superintendent should concur in making the appointment.

Clause 11 (2) (*a*).—This clause is transposed and inserted under clause 10 (2) which is its proper place. It is a little imperfect; for instance, it does not cover the case of an Inspector who ceases to be such, but may nevertheless continue to be a Police Officer, as when he is degraded, and his certificate should become null and void and should be surrendered by him. We have therefore added a new para under clause 10 (1) regarding the certificates of Inspectors. The corresponding provision in the Bombay Act provides for the previous service, if any, being entered in the certificate. We have thought it desirable to note in the certificate the length of the previous service, if any, and have accordingly amended the schedule prescribing the form of certificate by inserting an additional heading.

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Clause 13.—As the clause stands, unless and until any limitation is imposed by Government, the Inspector-General of Police may exercise all the powers of a First Class Magistrate. We are of opinion that the Inspector-General should not exercise such powers without being specially authorised by Government, and should do so only in such cases and in such manner as may be prescribed by Government. We have therefore amended the clause by adding the words "only in such cases and" after the words "exercise such powers."

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Clause 17.—The expression "any Magistrate in the neighbourhood" has been replaced by the words "the nearest Magistrate," the words used in the Madras Act, XXIV of 1859, and the expression "so many of the residents of the neighbourhood as may be required to act," has been qualified by "so many of the fit and capable male residents," in order to prevent indiscriminate impressment.

Clause 22, Sub-clause (*1*).—It seems to us that the period prescribed for the injured party to prefer an application under this clause for compensation, *viz.*, one month, is too short to meet all cases. We have accordingly extended it to three months and as a consequential change have omitted the expression "or such shorter period as may be prescribed."

Clause 22, Sub-clause (*2*) (*a*) (*ii*).—As the sub-clause stands, the declaration the Deputy Commissioner may make is with respect to the local area the inhabitants of which have caused or contributed to the holding of the unlawful assembly. But application for compensation may be made to the Deputy Commissioner not only by a person who has suffered injury from any act done in the prosecution of the common object of an unlawful assembly, but also from the misconduct of the inhabitants or any class or any section of them in any area referred to in section 21, and the Deputy Commissioner should therefore be empowered to declare the area in which the misconduct of the inhabitants has caused the injury. We have therefore

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Clause 26, Sub-clause (3).—The words "under sub-section (1)" are omitted as being unnecessary and as limiting the powers of the punishing authority to the cases mentioned therein, which do not cover all the cases in which a police officer may be punished.

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Old clause 36, Sub-clause (3).—New clause 35, Sub-clause (3).—We consider that the period of fifteen days fixed for the rule to be in force is too short and have therefore extended it to thirty days.

Old clause 38.—New clause 37.—As the clause now stands, it is applicable only to villages and towns proper. We have reason to think that gambling prevails largely outside the towns and villages and by the side of public roads. The scope of the prohibition has therefore been extended by omitting the words "in any town or village" therefrom.

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Old clause 46, Sub-clause 4.—New clause 45, Sub-clause 4.—We consider that such a provision as is made herein, should not find a place in the Regulation, but should be left to be provided for by rules and have therefore omitted it.

Old clause 55, Sub-clause (k)—New clause 54, Sub-clause (k).—The words "knowingly or" are inserted before "negligently" in this sub-clause, as these words are found in the corresponding provision in the Indian Penal Code, Section 289. We have also inserted the words "in any street" between the words "animal"

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Old clause 78, Sub-clause 3.—New clause 76, Sub-clause 3.—The period of one month is considered too short and is therefore extended to two months.

Old clause 78, Sub-clause 4.—New clause 76, Sub-clause 4.—The period of imprisonment fixed is quite disproportionate to the fine which may be imposed for the breach of the rules as an alternative punishment. We have therefore reduced it to eight days.

Old clause 81 (4).—*New clause 79* (4).—This is omitted as sufficient provision to the same effect already exists in the Civil Procedure Code.

The other amendments are unimportant or are consequential to those already mentioned.

We recommend that the Bill as amended by us may be passed into law.

BANGALORE,
21st January 1908.

V. N. NARASIMMIYENGAR,
Chairman.

M. C. RANGIENGAR.

B. NAGAPPA.

K. P. PUTTANNA CHETTY.

Note.—The portions within heavy brackets are the deleted portions of the original bill and those in italics are newly inserted.

THE MYSORE POLICE BILL.

(As amended by the Select Committee.)

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    (2) Certificates of office to be given to Police officers below the grade of Inspector.
    (*3*) *Such certificates when to become null and void.*
11. (1) Powers, etc., of persons appointed as aforesaid.
    [(2) (*a*) Such certificates when to become null and void.]
    [(*b*)] (*2*) Temporary suspension of powers, etc., of Police officers.
12. General powers of the Inspector-General.
13. Inspector-General to have Magisterial powers, and to exercise them subject to limitations imposed by Government.
14. General powers of Deputy Commissioner.
15. (1) Powers of Superintendent.
    (2) Powers of Amildar, Deputy Amildar, and Inspector.
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17. (1) Appointment of Special Police officers.
    (2) Powers and responsibilities of Special Police officers.
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19. (1) Employment of additional Police near large works.
(2) Cost thereof.
20. Disputes as to payment of cost.
21. (1) Employment of additional Police in cases of special danger to public peace.
(2) Cost thereof.
(3) Extension of period for payment of cost.
(4) Assessment of cost.
(5) Exemption from liability to bear cost.
22. (1) Application for compensation for injury caused by misconduct of inhabitants or unlawful assembly.
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24. Framing of rules for administration of Police.
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27. (1) Procedure to be observed in awarding punishment.
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28. (1) Departmental punishment for insubordination.
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29. Police officers to be deemed to be always on duty and to be liable to employment in any part of Mysore.
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(3) These prohibitions to apply also when Police officer is on leave or under suspension.
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(3) Arrear pay of Police officer contravening this section may be forfeited.
32. (1) Certificate, arms, etc., to be delivered up by person ceasing to be Police officer, and
(2) If not delivered up may be seized under search warrant.
(3) Saving of certain articles.
33. (1) Penalty for making false statement, etc., and
(2) For misconduct of Police officers.
(3) Consequence of failure to return to duty after leave.
34. Penalty for failure to deliver up certificate of appointment or of office or other article.

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POLICE REGULATIONS.

[35. Power of Government to make orders in matters under Section 144 of Criminal Procedure Code.]
[36.] *35.* (1) Rules may be made by District Magistrate regarding use of streets, etc.
(2) Manner of publication of such rules.
(3) Rules under clause (1) (*k*) to be reported to Government.
[37.] *36.* Discontinuance of brothels.
[38.] *37.* District Magistrate, etc., may authorise Police officer to enter common gaming-house.
[39.] *38.* (1) Issue of orders by Magistrates for prevention of disorder.
(2) Orders by subordinate Magistrates to be communicated to District Magistrate.
[40.] *39.* Issue of orders by Magistrate of District for prevention of riot or grave disturbance of peace.

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[41.] *40.* (1) Issue of orders by Magistrate of District for maintenance of order at religious ceremonials, etc.
(2) Orders to be subject to decrees, etc., of Courts.
[42.] *41.* (1) District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, etc.
(2) Levy of fees in such cases.
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[43.] *42.* Dispersal of gangs and bodies of persons.
[44.] *43.* (1) Police to provide against disorder, etc., at public places of amusement and public meetings.
(2) Police to have free access thereto.
[45.] *44.* *(1) Issue of licenses for the conduct of processions.*
(2) Appeals against orders granting or refusing such licenses.
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[2] *(4)* Manner of publication of such rules and orders.
[3] *(5)* Powers with regard to assemblies, etc., violating such rules or orders.
[4] *(6)* Assembly violating such orders to be deemed unlawful assembly.
[46.] *45.* (1) Provisions as to dogs.
(2) When dogs may be destroyed or sold by Police.
(3) How expenses may be recovered.
[(4) Provision in case of dog wearing collar with owner's address.]

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EXECUTIVE POWERS AND DUTIES OF THE POLICE.

[47.] *46.* (1) Duties of Police officer.
(2) Power to enter places of public resort without warrant.
(3) Power to search suspected persons in the streets.
[48.] *47.* Duties of Police officers towards the public.
[49.] *48.* (1) *(a)* Police to regulate traffic, etc., in streets; and
(b) to keep order in streets and other public places; and
(c) to regulate resort to public places.
(2) Persons bound to conform to reasonable orders of Police.
(3) Police officer may restrain or remove contumacious person.
[50.] *49.* Enforcement of orders issued under Sections [39,] *38*, [40] *39* or [41] *or 40*.
[51.] *50.* Duty of Police to see orders issued under Section [42] *41* or [43] *42* carried out.
[52.] *51.* Police officer may take charge of stray cattle.
[53.] *52.* Duty of Police with regard to unclaimed property.
[54.] *53.* Superior Police officer may himself perform duties imposed on his inferior, etc.

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OFFENCES AND PUNISHMENTS.

[55.] *54.* Punishment of certain street offences and nuisances;
(a) driving on dark nights without light;
(b) disregarding rule of road;
(c) leaving cattle, etc., insufficiently tended;
(d) causing obstruction or mischief by animals;
(e) exposing animals for hire or sale, etc.;
(f) causing any obstruction in street;
(g) obstructing foot-way:
(h) exhibiting mimetic, musical or other performances, etc.;
(i) gambling in street;
(j) doing offensive acts on or near public streets;
(k) letting loose horses, etc., and suffering ferocious dogs to be at large
(l) bathing or washing in place not set apart for those purposes;
(m) defiling water in public wells, etc.;
(n) obstructing bathers;
(o) behaving indecently in public;
(p) being drunk and incapable;
(q) obstructing or annoying passengers in streets;
(r) misbehaviour with intent to provoke breach of peace;
(s) begging and exposing offensive ailments;
(t) throwing dirt into street;
(u) neglecting to protect dangerous places;

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(*v*) affixing bills or defacing walls;
(*w*) soliciting for prostitution;
[56.] *55.* Punishment for cruelty to animals.
[57.] *56.* Penalty for refusal to serve as Special Police officer.
[58.] *57.* Penalty for vexatious search, arrest, etc., by Police.
[59.] *58.* Penalty for vexatious delay in forwarding person arrested.
[60.] *59.* Penalty for contravention of rules under Section [36,] *35* or of directions under Section [49] *48.*
[61.] *60.* Penalty for failure to comply with order under Section [37] *36.*
[62.] *61.* (1) Penalty for opening, etc., common gaming-house.
(2) Penalty for being found gaming in common gaming-house.
[63.] *62.* Instruments of gaming may be ordered to be destroyed on conviction.
[64.] *63.* Indemnification of witnesses.
[65.] *64.* Saving of games of skill.
[66.] *65.* Payment of portion of fine to informer or Police.
[67.] *66.* Penalty for setting birds and animals to fight in public street or place.
[68.] *67.* Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.
[69.] *68.* Penalty for contravention of rules or directions under Sections [39,] *38,* [40,] *39,* [41,] *40,* [44] *43* and [45] *44.*
[70.] *69.* Penalty for contravention of regulation made under Section [42] *41.*
[71.] *70.* Penalty for contravention of direction given under Section [43] *42.*
[72.] *71.* Penalty for opposing or not complying with direction given under Section [50] *49.*
[73.] *72.* Jurisdiction when offender is Police officer above the rank of constable.
[74.] *73.* Prosecution instituted for certain offences against Regulation to be at discretion of Police.
[75.] *74.* Prosecution for offences under other enactments not affected by Regulation.

CHAPTER VII.

MISCELLANEOUS.

[76.] *75.* Disposal of rewards, etc., payable to Police officers.
[77. No Municipal or other rates to be payable by Government on Police buildings.]
[78.] *76.* (1) Power of Government to make rules.
(2) Surveillance, etc., of criminal gangs.
(3) Publication of rules.
(4) Penalty for breaches of rules.
[79.] *77.* Method of proving orders and notifications issued under Regulation.
[80.] *78.* Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.
[81.] *79.* (1) No Magistrate or Police officer to be liable to penalty or damages for act done in good faith in pursuance of duty.
(2) No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.
(3) Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if instituted after one year.
[(4) Tender of amends.]
[82.] *80.* Regulation not to affect any law relating to Municipality.

SCHEDULE A.—Enactments repealed.

SCHEDULE B.—Forms of certificates of appointment for Inspector and for Police officer below the grade of Inspector.

THE MYSORE POLICE BILL.

(As amended by the Select Committee.)

A Bill to Consolidate and amend the Law relating to the Police of Mysore.

Whereas it is expedient to amend the law relating to the Police of Mysore: His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. (1) This Regulation may be cited as the Mysore Police Regulation, 190

Extent.

(2) It extends to the whole of Mysore; and

Commencement.

(3) It shall come into force at once.

Repeal of enactments.

2. The enactments mentioned in Schedule A are repealed to the extent specified in the third column thereof.

All references made in any enactment in force to any enactment hereby repealed shall be read as if made to the corresponding portion of this Regulation.

All rules prescribed, appointments made, powers conferred, and orders and certificates issued under any such enactments shall, so far as they are consistent with this Regulation, be deemed to have been respectively prescribed, made, conferred and issued hereunder.

Rules as to Village Police.

3. (1) The Government may, from time to time, by notification in the official Gazette make rules having the force of law regarding the organization and regulation of the village Police in Mysore and may cancel, alter or add to such rules; and the Government may, by such rules, among other matters,

(i) provide, *subject to the provisions of the Village Offices Regulation*, for the entertainment of such village headmen, village watchmen, totis, talaris, and other establishments of village Police as may be necessary for each village or place, the appointment of permanent, temporary or acting incumbents for the said offices, and their remuneration;

(ii) define the relations of members of the village Police to one another and to the regular Police;

(iii) prescribe the powers and duties of village Police officers of different grades as regards the collection and communication of intelligence [regarding] *relating to* the condition of the community, the state of crime, the commission of offences, the occurrence of suspicious or unnatural deaths, and the like, *and as regards* the execution of processes, the apprehension of offenders or suspicious characters, the conduct of searches, the holding of inquests, the custody and disposal of unclaimed property, the investigation of offences, the examination of witnesses, the taking of precautionary measures against dangers to the public health, peace or safety,

the maintenance and charge of village boundary hedges and walls, gates, Chavadi and other buildings, and other matters;

(iv) require the inhabitants of villages to aid the village Police, when called upon to do so, in keeping watch and patrolling their villages at night, in preventing or resisting robbery or other cognizable offences, in pursuing or apprehending offenders, in the recovery of stolen property, in the maintenance of village fences and village gates in good order, and in carrying out other communal purposes of a like nature;

(v) define the ordinary powers of village headmen and the powers with which village headmen may be specially invested, in respect of the trial and punishment of offenders, and the procedure to be followed in the exercise of such powers;

(vi) provide for the punishment departmentally or otherwise of members of the village Police for misconduct or dereliction of duty; and

(vii) attach to the breach of any rule under this section a penalty on conviction before a Magistrate not exceeding one hundred rupees.

(2) Until such rules shall be made and published as aforesaid, the "Rules for the organization and regulation of the village Police in Mysore," published under the Notification of the Government of India, Foreign Department, No. 230 J., dated the 16th October 1872, and as subsequently amended from time to time, shall continue to be in force, and shall be deemed to be rules made under this section.

Definitions.

4. In this Regulation, unless there be something repugnant in the subject or context:—

"Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent," and "Assistant Superintendent."

(*a*) "Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent" and "Assistant Superintendent" mean, respectively, the Inspector-General of Police, a Deputy Inspector-General of Police, an Assistant Inspector-General of Police, a District Superintendent of Police and an Assistant Superintendent of Police appointed under this Regulation;

"District Superintendent."

(*b*) "District Superintendent" includes any Assistant Superintendent or other person appointed by general or special order of the Government to perform all or any of the duties of a District Superintendent of Police under this Regulation in any district or part of a district;

"Inspector."

(*c*) Subject to such rules and orders as the Government may pass, "Inspector" includes "Sub-Inspector" and "Jamadar;"

"Police Officer."

(*d*) "Police Officer" means any member of the regular Police force appointed under this Regulation;

"Constable."

(*e*) "Constable" means a Police officer of the lowest grade;

"District."

(*f*) "District" means a territorial division constituting a district for the purposes of the Mysore Land Revenue Code, 1888, and includes a portion of a district placed under the charge of a District Superintendent for the purposes of this Regulation;

"Taluk" and "Sub-Taluk."

(*g*) "Taluk" and "Sub-Taluk" mean, respectively, the local limits within which an Amildar and a Deputy Amildar ordinarily exercise revenue jurisdiction under the Mysore Land Revenue Code;

"Street."

(*h*) "Street" includes any highway and the way over any causeway, bridge, viaduct or arch, and any road, lane, footway, square, court, alley, or passage accessible to the public, whether a thoroughfare, or not;

"Common gaming-house."

(*i*) "Common gaming-house" means any building, enclosure, room [or] place, *or vehicle* in which, cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, or keeping such building, enclosure, room or place, whether by way of charge for the use of instruments of gaming, or of the building, enclosure, room or place, or otherwise howsoever;

"Cattle."

(*j*) "Cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

"Vehicle."

[*k*] (*k*) "*Vehicle*" *includes bicycles, tricycles, motor cars and every wheeled conveyance*;

Words and expressions defined in the Criminal Procedure Code.

(*l*) Words and expressions which are defined in the Code of Criminal Procedure have the same meaning as in that Code.

CHAPTER II.

ORGANIZATION OF THE REGULAR POLICE.

Constitution of Police force.

5. The entire Police establishment under the Government shall, for the purposes of this Regulation, be deemed to be one Police force and shall consist of such number of officers and men, and shall be enrolled and constituted in such manner, and receive such pay, as shall from time to time be ordered by Government.

Appointment of Inspector-General of Police;

6. (1) The Government may appoint an Inspector-General of Police for the direction and supervision of the Police force in Mysore.

and of Deputy or Assistant Inspector-General.

(2) The Government may appoint one or more Deputy or Assistant Inspectors-General of Police, to whom Government may assign such duties being amongst the lawful duties of the Inspector-General of Police, or in aid and furtherance thereof, as shall to Government seem expedient.

Their suspension or removal.

(3) The Inspector-General and Deputy or Assistant Inspector-General may be suspended or removed from office by Government.

Appointment of District and Assistant Superintendents.

7. The Government may appoint for each district such Superintendents and Assistant Superintendents of Police as it may think expedient, and may dismiss, suspend, reduce, remove or transfer any of such officers as it may think fit.

Appointment of Inspectors.

8. The appointment of Inspectors shall, subject to the rules and orders of Government, vest in the Inspector-General.

Appointment of Police officers below the grade of Inspector.

9. Police officers below the grade of Inspector shall be appointed in each district by the Deputy Commissioner [and] *or by* the District Superintendent, subject to such rules as the Government may from time to time prescribe.

Certificates of appointment to be given to Inspectors.

10. (1) An Inspector shall, on appointment, receive from the Inspector-General a certificate of appointment in Form I of Schedule B. *Such certificate shall become null and void whenever the person named therein ceases for any reason to be an Inspector and shall be forthwith surrendered by him.*

Certificates of office to be given to Police officers below the grade of Inspector.

(2) Every Police officer below the grade of Inspector shall, on enrolment, receive a certificate in Form II of Schedule B, from the Deputy Commissioner of the District in which he is enrolled.

Such certificates when to become null and void.

[11 (2) (*a*)] (*3*) Every certificate of [appointment] *enrolment* shall become null and void whenever the person named therein ceases forany reason to be a Police officer and shall be forthwith surrendered by him to any officer empowered to receive the same.

Powers, etc., of persons appointed as aforesaid.

11. (1) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a Police officer.

Temporary suspension of powers, etc., of Police officers.

(2) [(*b*)] A Police officer shall not, by reason of his being suspended from office, cease to be a Police officer, but during the term of such suspension, the powers, functions and privileges vested in him shall be in abeyance and he shall continue subject to the same responsibilities and subject to the same auhorities as if no such suspension had taken place.

General powers of the Inspector-General.

12. The Inspector-General shall be the head of the Police Department [and the adviser of Government in all matters connected with the Police.] He will exercise general control over the Police force and over crime—more particularly, organized and professional crime—and subject to the approval of Government he may make rules and orders under the provisions of Sections 24 and 25 of this Regulation.

Inspector-General to have magisterial powers; and to exercise them subject to limitations imposed by Government.

13. The Inspector-General of Police shall have the powers of a Magistrate of the 1st Class throughout Mysore, but shall exercise such powers *only in such cases and* subject to such limitations as may from time to time be imposed by Government.

General powers of Deputy Commissioner.

14. Subject to the general control of the Inspector-General, the Deputy Commissioner shall be the head of the Police in his district, and shall, as such, direct and regulate all matters connected with the efficient discharge of their duties by the Police force of his district.

Powers of Superintendent.

15. (1) Subject to such rules and orders as may be made by Government in this behalf, and to the general control of the Deputy Commissioner, the District Superintendent may exercise all or any of the powers of the Deputy Commissioner under this Regulation; and without prejudice to the powers and responsibility of the Deputy Commissioner, the District Superintendent shall have direct control over all ordinary matters connected with :—

(*a*) Arms, accoutrements, clothing;
(*b*) Drill, exercise;
(*c*) Observation and surveillance of gangs, [K. Ds] *known depradators*, suspects; collection and communication of intelligence and information; identification of persons by finger prints or otherwise;
(*d*) distribution of duties and beats;
(*e*) education of men and officers in law[s; orders, and modes of], Police Procedure; and
(*f*) all other ordinary matters of a routine nature

and may correspond direct with the Inspector-General in ordinary matters connected arms, accoutrements, clothing, drill and discipline, escorts, reports and returns, identification of persons by finger prints or otherwise, and other routine matters.

Powers of Amildar, Deputy Amildar and Inspector.

(2) Subject as aforesaid, the Amildar and Deputy Amildar shall be *ex-officio* Police officers within their revenue charges and shall have general powers of control over the Police and be responsible for the prevention and detection of crime and maintenance of order within such charges; and the Inspector shall be the executive head of the Police within his range, subject to the general control and direction of the Amildar or Deputy Amildar.

Deputy Commissioner may make necessary distribution of Police force.

16. Subject to the approval of the Inspector-General, the Deputy Commissioner may make such distribution or movement of the allotted Police force within his jurisdiction as may be found necessary to meet local requirements.

Appointment of Special Police officers.

17. When it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place or is reasonably apprehended and that the Police force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred, or is apprehended, it shall be lawful for [any] *the nearest* Magistrate [in the neighbourhood], on the application of any Police officer having authority in the place, not below the rank of officer in charge of Police Station, to

appoint, by a written order signed by himself and sealed with his official seal, so many of the *fit and capable male* residents of the neigh-bourhood as may be required to act as Special Police officers for such time and within such limits as he shall deem necessary.

Powers and responsibilities of Special Police officers.

(2) Every Special Police officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer; but it shall not be necessary for him to receive a certificate of office under Section 10.

Employment of additional Police at request of persons showing the necessity therefor.

18. (1) The Inspector-General, or the Deputy Commissioner subject to the approval of the Inspector-General, may, on the application of any person showing the necessity therefor, depute any additional number of Police to keep the peace or to perform other Police duties at any place within [their respective] *his* jurisdiction.

Cost thereof.

(2) Such additional Police shall be *employed* at the charge of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as may be deemed necessary.

Proviso regarding relief from cost.

(3) Provided that, if the person upon whose application such additional Police are employed shall at any time make a written requisition to the Inspector-General or the Deputy Commissioner for the withdrawal of the said Police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as such officer shall determine.

Employment of additional Police near large works.

19. (1) Whenever it shall appear to the Inspector-General or the Deputy Commissioner that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any Railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place, necessitates the employment of additional Police at such place, such officer may, with the sanction of Government, depute such additional Police to the said place and keep the said Police employed there for so long as he shall consider necessary.

Cost thereof.

(2) Such additional Police shall be *employed* at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, at such rates and payable at such times as the Deputy Commissioner, with the sanction of Government, may prescribe.

Dispute as to payments of cost.

20. In the event of any dispute in any case under section 18 or section 19, the decision of the Deputy Commissioner shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may be levied as if it were an arrear of Land Revenue.

Employment of additional Police in cases of special danger to public peace.

21. (1) The Government may, from time to time, by notification duly published, direct the employment of additional Police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the Police.

Cost thereof.

(2) The cost of such additional Police shall, if Government so direct, be either in whole or in part defrayed by a tax imposed on the persons herein below mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate in such proportions as the Government may fix, and charged—

(*a*) either generally on all persons who are inhabitants of the local area to which such notification applies; or

(*b*) specially on any particular section or sections or class or classes of such persons;

Explanation.—For the purposes of this section and of Section [*21*] *22* "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents or revenue, direct from raiyats or occupiers in such area, notwithstanding that they do not actually reside therein.

Extension of period for payment of cost.

(3) It shall be lawful for Government to extend the period for the payment of such tax or rate for a term not exceeding in any case five years beyond the period for which such additional Police are actually employed.

Assessment of cost.

(4) The said tax shall be imposed, or the said rate shall be assessed, by the Deputy Commissioner at his discretion.

Exemption from liability to bear cost.

(5) It shall be lawful for Government, by order, to exempt any persons from liability to bear any portion of such cost.

Application for compensation for injury caused by misconduct of inhabitants or unlawful assembly.

22. (1) If death or grievous hurt or loss of or damage to property has been caused by or has ensued from the misconduct of the inhabitants or any class or section of them in any area referred to in the preceding section or by anything done in the prosecution of the common object of an unlawful assembly, it shall be lawful for any person or persons who claim to have suffered injury from such misconduct or act to make, within [one month] *three months* from the date of the injury [or such shorter period as may be prescribed] an application to the Deputy Commissioner for compensation.

Compensation how recoverable.

(2) With the previous sanction of Government obtained through the Inspector-General, the Deputy Commissioner may—

(*a*) after such enquiry as he deems necessary,

(i) determine the amount of the compensation which should be paid to such person or persons, and

(ii) declare the local area, the inhabitants of which have, in his opinion, by their conduct caused or contributed *to such disturbed or dangerous state or* to the holding of such assembly;

(*b*) recover the amount so determined, in such proportions as he may think proper, from all or any of the inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons;

(*c*) award or apportion, all or any moneys so recovered to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

Exemption from liability to pay compensation.

(3) It shall be lawful for Government, by order, to exempt any person from liability to pay any portion of such compensation.

Conditions under which compensation recoverable.

(4) No recovery shall be made and no compensation shall be granted under this section unless the Deputy Commissioner is satisfied that the person claiming compensation is himself free from [claim] *blame*, in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid.

Orders of Deputy Commissioner subject to revision.

(5) Every declaration, assessment and order made by the Deputy Commissioner under sub-section (1) shall be subject to revision by Government or by such officer as it from time to time empowers in this behalf, but save as aforesaid shall be final.

Bar to maintaining civil suit.

(6) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted *and received* under this section.

Recovery of rates and charges under Sections [20] *21* and [21] *22* by Deputy Commissioner.

23. Every tax imposed or rate assessed or amount recoverable by the Deputy Commissioner under the last two preceding sections or other provision of this Regulation, shall be recovered by the Deputy Commissioner as if it were an arrear of land revenue due by the person answerable therefor.

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

Framing of rules for administration of Police.

24. Subject to the orders of Government, the Inspector-General may, from time to time, make rules or orders not inconsistent with this Regulation or with any other enactment at the time in force—

(*a*) relating to the recruitment, organization, classification and discipline of the Police;

(*b*) regulating the inspection of the Police by his subordinates;

(*c*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police;

(*d*) for the institution, management and regulation of any Police fund for any purpose connected with the Police administration;

(*e*) regulating the distribution, movement and location of the Police;

(*f*) regulating the duties of Police officers of different grades;

(*g*) regulating the collection and communication by the Police of intelligence and information, and the investigation of crime;

(*h*) prescribing the books and registers to be maintained and the returns to be submitted by the several Police officers;

(*i*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

Inspector-General may make inspections and call for returns, etc.

25. The Inspector-General [of Police] may, subject to the rules and orders of Government, make periodical inspections of Police establishments and stations, and require from the Deputy Commissioner and other officers subordinate to him, returns, reports and statements, either particular or general, on subjects connected with the suppression of crime, the condition of the criminal classes, the maintenance of [the] order and the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police force, the utilization of auxiliary means, the performance by the Police of their duties, and all other matters in furtherance of his control of the Police force.

Punishment of Police officers departmentally for neglect of duty, etc.

26. (1) Any officer authorized by sub-section (3) in that behalf may suspend, reduce or dismiss any Police officer whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty, or unfit for the same, and may fine, to an amount not exceeding one month's pay, any Police officer below the grade of Assistant Superintendent who is guilty of any breach of discipline or misconduct which does not require his suspension or dismissal, or who, by any act of his own, renders himself unfit for the discharge of his duty

Punishment under this section to be in addition to penalty under Section 33, [58] *57* or [59] *58*.

(2) Any punishment inflicted on a Police officer under this section shall be in addition to the penalty to which such officer is liable under Section 33, [58] *57* or [59] *58* of this Regulation or any other law in force.

Punitive powers of Inspector-General and Deputy Commissioner.

(3) The Inspector-General shall have authority to punish any Police officer below the grade of Assistant Superintendent [under Sub-Section (1)]. The Deputy Commissioner and the District Superintendent shall have each the like authority in respect of any Police officer subordinate to him below the grade of Inspector; and the Deputy Commissioner may suspend an Inspector who is subordinate to him, pending inquiry into [a] *any* grave complaint against such Inspector and until an order of the Inspector-General can be obtained. But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by Government in that behalf.

Procedure to be observed in awarding punishment.

27. (1) When any officer passes an order for fining, suspending, reducing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, [under his signature] in Kanarese or inEnglish, *and signed by him.*

[(2) In regard to appeals against the orders aforesaid, the final authority in the case of constables, shall be the Inspector-General, and in the case of all other officers, appeals may lie to Government.]

(2) *From all orders passed by the District Superintendent under sub-section (1), an appeal shall lie to the Deputy Commissioner. From the order of the Deputy Commissioner an appeal shall lie to the Inspector-General. In the case of all officers above the rank of constables, a further appeal shall lie to Government.*

Departmental punishment for insubordination.

28. (1) The Inspector-General or the Deputy Commissioner or any District Superintendent, [or Assistant Superintendent] may punish by confinement for a period not exceeding three days, any Police officer below the rank of jamadar or head constable who is, in his presence, grossly insubordinate or who is insolent to him.

Procedure to be observed in awarding such punishment.

(2) Every order for punishing a Police officer as aforesaid shall be recorded in the manner prescribed in Section 27, and a copy of every such order made by a Deputy Commissioner *or* District Superintendent [or Assistant Superintendent] shall be forwarded by him without delay to his immediate superior.

Police officers to be deemed to be always on duty and to be liable to employment in any part of Mysore.

29. Every Police officer shall, for all purposes of this Regulation, be deemed to be always on duty and may at any time be transferred to or employed on Police duty in any part of Mysore for so long as his services may be there required.

Police officer not to engage in trade, etc.

30. (1) Without the permission of the Deputy Commissioner or Inspector-General, or of Government, no Police officer shall engage in trade or be in any way concerned, either as principal or as agent, in any dealing in land within the district wherein he is employed or in any commercial transaction whatever, or bid for property sold by order of a Criminal Court, or have money transactions with another Police officer.

Police officers not to [be employed] *engage* on other than Police duties.

(2) No Police officer shall, unless with the written permission of the Inspector-General, hold any office, or practice in any profession, or engage in any employment whatever, other than his office or duties as such Police officer.

These prohibitions to apply also when Police officer is on leave or under suspension.

(3) The prohibitions in sub-sections (1) and (2) apply when a Police officer is on leave or under suspension as well as when he is on duty.

Under what conditions Police officer may resign.

31. (1) Unless with the written permission of the Deputy Commissioner or of some other Police officer empowered by the Inspector-General in this behalf, no Police officer of or below the rank of Inspector shall resign his office or withdraw himself from the duties thereof until—

(*a*) the expiration of two months after written notice of his intention so to do has been given by him to the Deputy Commissioner: and until—

(*b*) he has fully discharged any debt due by him, as such Police officer, to Government or to any Police fund.

Proviso.

(2) Provided that, if any such Police officer produces a certificate signed by the principal Medical officer in the district declaring him to be unfit, by reason of disease or mental or physical incapacity, for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as aforesaid.

Arrear pay of Police officer contravening this section may be forfeited.

(3) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the Deputy Commissioner, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under Section 33 of this Regulation or other law in force.

Certificate, arms, etc., to be delivered up by person ceasing to be Police officer, and

32. (1) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Deputy Commissioner to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

if not delivered up, may be seized under search warrant.

(2) Any Magistrate and, for special reasons which shall be recorded in writing at the time, any District Superintendent may issue warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, by a Police officer or, if the Magistrate or District Superintendent issuing the warrant so directs, by any other person.

Saving o certain articles.

3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalty for making false statement, etc.,

33. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or

and for misconduct of Police officers.

(2) any Police officer who—

(*a*) contravenes any provision of Section 30, or

(*b*) is guilty of cowardice, or

(*c*) resigns his office or withdraws himself from the duties thereof in contravention of Section 31, or

(*d*) is guilty of any wilful breach, or neglect of any provision of law or of any rule or order which, as such Police officer, it is his duty to observe or obey, or

(*e*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall *on conviction before a Magistrate* be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave.

(3) A Police officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave, shall, for the purposes of clause (*c*), be deemed to withdraw himself from the duties of his office within the meaning of Section 31.

Penalty for failure to deliver up certificate of appointment or of office or other article.

34. Any Police officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of Section 32, shall *on conviction before a Magistrate* be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

CHAPTER IV.

POLICE REGULATIONS.

Power of Government to make orders in matters under Section 144 of Criminal Procedure Code.

[35. It shall be competent for the Government to make by notification, any order which, if made by a Magistrate under Section 144 of the Code of Criminal Procedure, could be continued in force by Government under the said section.]

Rules may be made by District Magistrate regarding use of streets, etc.

[36] *35.* (1) In any town or other place in which he thinks fit the Magistrate of the District, may, from time to time and subject to such orders as may have been made by a Municipal or other authority empowered in that respect, make rules or orders—

(*a*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(*b*) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*c*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(*d*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*e*) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the streets or along certain specified streets, except [subject to] *under* such reasonable regulations as he may prescribe in that behalf;

(*f*) prohibiting the setting fire to or burning any straw or other matter, or [letting] *lighting* a bonfire or wantonly discharging a fire-arm or air-gun, or lighting off or throwing a fire-work or sending up a fire-balloon in or upon or within fifty feet of a street or building, or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except [subject to] *under* such reasonable regulations as he may prescribe in that behalf;

(*g*) prohibiting, except under such reasonable regulations as he may impose, the making of any excavation, the placing of building materials or other articles, or the fastening or detention of any horse or other animal in any street;

(*h*) regulating the blasting of rocks or the making of excavations in or near any street, and providing for the taking out of licenses for such operations;

(*i*) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or parts thereof and the corpses of persons [deceased];

(*j*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature;

(*k*) laying down such directions in cases of existing or apprehended epidemic or infectious disease of men or animals with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and [as to] the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been ordered or approved by Government with a view to prevent the disease or to check the spreading thereof;

(*l*) directing the closing or disuse wholly or for certain purposes, or limiting to certain purposes only, the use of any source, supply or receptacle of water; and providing against pollution of the same or of the water therein;

(*m*) regulating the hours during which and the manner in which any place for the disposal of the dead, any chattram, village gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(*n*) regulating the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the Magistrate, special regulations may be necessary for the public safety and convenience.

Manner of publication of such rules.

(2) Every regulation made under clause (*i*) or made under clause (*m*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages, and to the necessities of prompt disposal of the dead in certain cases. The rules [and], *orders and regulations* made under the several clauses of this section shall be published in one or more of the methods described below, to be determined by the Magistrate of the District with reference to the circumstances of each case :—

(*a*) by delivery of copy [of the rule or order] *thereof* to the [party] *person* concerned,

(*b*) by affixing notice of the same in such language *or languages* as may be found suitable at a conspicuous place or places in or near the building, platform, structure, street, locality, source of supply or receptacle of water, place for disposal of the dead, chattram, village gate, theatre or other place of public resort or amusement,

(*c*) by affixing such notice in the chavadi, Police station or Taluk Cutcherry or in more than one of these places,

(*d*) by publication of the same in the official Gazette, and if the Magistrate so direct, in local newspapers,

(*e*) by beat of tom-tom in such places and at such times as the Magistrate may prescribe.

Rules under clause (1) (*k*) to be reported to Government.

(3) Every rule promulgated under authority of clause (*k*) of sub-section (1) of this section shall be forthwith reported to Government and shall be in force for not more than [fifteen] *thirty* days unless extended by Government for longer period and in such case for so long as Government directs.

(4) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Discontinuance of brothels.

[37.] *36.* On complaint being made to a Magistrate of a District or of a Sub-Division that any house in a town or village in his district or sub-division to which the Government has by notification extended this section is used as a common brothel or lodging-house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period which shall be set forth in the order, to discontinue such use of it.

District Magistrate, etc., may authorise Police officer to enter common gaming-house.

[38.] *37.* If the Magistrate of the District or a First Class Magistrate or the District Superintendent of Police has reason to believe that any building, enclosure, room [or] place *or vehicle* [in any town or village,] is used as a common gaming-house, he may, either himself enter or by his warrant give authority to any Police officer

above the rank of a constable to enter with such assistance as may be found necessary, by night or by day and by force, if necessary, any such building, enclosure, room [or] place *or Vehicle* and to arrest all persons found therein, and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gambling, which are found therein, and to search all parts of such building, enclosure, room or place and also the persons found therein.

Issue of orders by Magistrates for prevention of disorder.

[39.] *38.* (1) The Magistrate of the District, or in his absence and subject to his order, any Magistrate of the First Class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, *for reasons which he shall record*, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the carrying, collection and preparation [s] of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, playing of music, delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law, or of a lawful authority.

Orders by subordinate Magistrate to be communicated to District Magistrate.

(2) An order made under this section by a subordinate Magistrate shall be forthwith communicated to the Magistrate of the District, who shall thereupon confirm, cancel or modify the same as shall seem expedient *stating his reasons therefor.*

Issue of orders by Magistrate of the District for prevention of riot or grave disturbance of peace.

[40.] *39.* In order to prevent an impending or apprehended riot or grave disturbance of the peace, the Magistrate of the District, or, in his absence [and subject to his control] any Magistrate of the First Class having local jurisdiction, *subject to the control of the District Magistrate*, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him.

Issue of orders by Magistrate of District for maintenance of order at religious ceremonials, etc.

[41.] *40.* (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition, or organized assemblage, in any street, as to which, or the conduct of or the participation in which, it

shall appear to the Magistrate of the District that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Orders to be subject to decrees, etc., of Courts.

(2) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Magistrate of the District that such order is inconsistent with any judgment, decree, injunction or order of such Court.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, etc.

[42.] *41.* (1) Whenever it shall appear to the Magistrate of a District, that any place in the district at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by [Police notice] prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom, as he shall deem necessary to prevent the outbreak [of such disease] or the spread [thereof] *of such disease.*

Levy of fees in such cases.

(2) It shall be lawful for the Magistrate of the District, subject to the orders of the Government, to assess and levy such reasonable fees on persons [falling under the provisions of sub-section (1)] *repairing to such place* as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

Recovery of expenses from municipalities.

(3) When the place of assemblage is within the limits of a municipality such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality.

Dispersal of gangs and bodies of persons.

[43.] *42.* Whenever it shall appear to the Magistrate of a District or to any Sub-Divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or to create reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself to such place by such route as such Magistrate shall prescribe.

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Police to provide against disorder, etc., at public places of amusement and public meetings.

[44.] *43.* (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of *the* highest rank superior to that of constable, present in the town or village where such place of amusement is situate or such assembly or meeting is to be held, may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(2) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

Issue of licenses for the conduct of processions.

[45.] *44. (1) It shall be lawful for the City Magistrates in Bangalore and Mysore and for the Amildars elsewhere and also for any other officers specially authorised by Government, to issue licenses for the conduct of processions, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or along a street within their respective jurisdictions.*

Appeal against the orders granting or refusing such licenses.

(2) *An appeal shall lie to the District Magistrate from an order granting or refusing a license under sub-section (1) and a further appeal to Government.*

Police to regulate assemblies, etc., in public streets.

[1](3) Any officer of Police not below the grade of an Inspector may, subject to any rule or order which may at any time be legally made by any Magistrate, or other authority duly empowered in this behalf—

(*a*) make rules for and direct the conduct of and behaviour or action of persons constituting assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which the same may pass; [and issue licenses therefor;]

[(*b*) regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street;]

[(*c*)] (*b*) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under Sections [36 to 43] *35 to 42* of this regulation.

Manner of publication of such rules and orders.

[(2)] (*4*) Every rule and order made under *sub-section (3) of* this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.

[(3)] (*5*) Any Magistrate or any Police officer not below the *rank of an* officer in charge of a Police station may stop any procession which violates any such license, rule or order, and may order it or any assembly, moving crowd or assemblage which violates any such license, rule or order to disperse.

Powers with regard to assemblies, etc., violating such rules or orders.

[(4)] (*6*) Any procession or assembly or moving crowd or assemblage which neglects or refuses to obey any such license, rule or order given under [the last preceding sub-section] *this section* shall be deemed to be an unlawful assembly.

Assembly violating such orders to be deemed unlawful assembly.

[46]. *45*. (1) The Magistrate of the District, may, by public notice, extending to such place or places within the district as shall therein be named, require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the Police may, except as is hereinafter in sub-section (2) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner claims it, provides a proper muzzle, and pays all expenses connected with such detention.

Provisions as to dogs.

(2) The Police shall not destroy any dog which wears a collar bearing a known owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

When dogs may be destroyed or sold by Police.

(3) For the expenses incurred under the preceding sub-sections the owner of the dog shall be answerable as for an arrear of land revenue.

How expenses may be recovered.

[(4) When any dog taken possession of by the Police wears a collar with the apparently genuine address of any person inscribed thereupon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address.]

Provision in case of dog wearing collar with owner's address.

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

[47.] *46*. (1) Every Police officer shall—

Duties of Police officer.

(*a*) promptly obey and execute every warrant or other order lawfully issued to him by competent authority; and shall by all lawful means endeavour to give effect to the commands of his superior;

(*b*) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and report such information and

take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of offences;

(*c*) to the best of his ability, prevent the commission of public nuisances;

(*d*) apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension there is sufficient reason;

(*e*) aid another Police officer when called on by him or in case of need, in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(*f*) discharge such duties as are imposed upon him by any law [relating to revenue or any other law at the time in force] *or rule having the force of law.*

Power to enter places of public resort without warrant.

(2) Every Police officer may subject to the rules and orders made by Government or by a person lawfully authorized, enter for the purpose of sub-section (1) without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking shop, or shop for the sale of intoxicating drugs or a place of resort for prostitutes and disorderly persons.

Power to search suspected persons in the streets.

(3) When in a street or place of public resort a person is suspected to be in possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to Sections 523 and 525 of the Code of Criminal Procedure or other law in force.

Duties of Police officers towards the public.

[48.] *47.* It shall be the duty of every Police officer ——

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(*b*) to take prompt measures for procuring necessary help for any person under arrest or in custody, who is wounded or sick, and to have due regard to his condition whilst guarding or conducting him;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(*f*) to use his best endeavours to prevent any loss or damage by fire;

(*g*) to use his best endeavours to avert any accident or danger to the public.

Police to regulate traffic, etc., in streets; and

[49.] *48.* It shall be the duty of a Police officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions thereon and, to the best of his ability, to prevent the infraction of any

of the provisions of this Regulation or of any rule or order made thereunder or of any other law in force for observance by the public in or near the streets;

to keep order in streets and other public place; and

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship;

to regulate resort to public places.

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

Persons bound to conform to reasonable orders of Police.

(2) All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of the said duties.

Police officer may restrain or remove contumacious person.

(3) A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under Section [39, 40 or 41] *38, 39* or *40*.

[50] *49*. Whenever a notification has been duly issued under Section [39] *38* or an order has been made under Section [40] *39* or [41] *40*, it shall be lawful for any Magistrate or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification or order as aforesaid and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

Duty of Police to see orders issued under Section [42] *41* or [43] *42* carried out.

[51] *50*. It shall be duty of a Police officer to see that every regulation and notification made by the Magistrate of the District under Section [42] *41*, or by the Magistrate of the District or a Sub-Divisional Magistrate under Section [43] *42* is duly obeyed, to warn persons who, from ignorance, fail to obey the same, and to arrest any person who wilfully disobeys the same.

Police officer may take charge of stray cattle.

[52] *51*. A Police officer may take charge of any cattle which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of The Cattle Trespass Act.

Duty of Police with regard to unclaimed property.

[53] *52*. The Police shall take charge of all unclaimed property found by or made over to them, and shall forthwith report the same to the Magistrate having local jurisdiction, who shall deal with the property as if it were property falling under Section 523 of the Criminal Procedure Code.

[54] *53.* A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any other person lawfully acting under his command or authority.

Superior Police officer may himself perform duties imposed on his inferior, etc.

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

[55.] *54.* In any local area to which the Government by notification from time to time extends this section or any part thereof, whoever contrary thereto—

Punishment of certain street offences and nuisances.

(*a*) without lawful excuse drives along; or keeps standing in, any street a vehicle of any description at any time between three-quarters of an hour after sunset and one hour before sunrise, without a sufficient light or lights except when there is sufficient moon-light to render such light unnecessary;

driving on dark nights without light;

(*b*) without reasonable cause, drives, drags, or pushes any vehicle otherwise than on the near or left side of the road, or passes any vehicle except on the right side of it and at any speed higher than what may be prescribed by notification by Government;

disregarding the rule of the road;

(*c*) leaves in any street insufficiently tended or secured any animal or vehicle;

leaving cattle, etc., insufficiently tended;

(*d*) causes obstruction, injury, danger or alarm in any street, or mischief, by any misbehaviour, negligence or ill-usage in the driving, management or care of any animal or vehicle, or drives any vehicle or animal laden with timber, poles or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the District;

causing obstruction or mischief by animals;

(*e*) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public;

exposing animal for hire or sale, etc.;

(*f*) (i) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded or has to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose; or by leaving any vehicle standing or by fastening any cattle therein, or using any part of a street as a halting-place for vehicles or cattle or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time;

causing any obstruction in street;

(ii) or causes obstruction by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever contrary to any regulation made and published by the Magistrate of the District.

obstructing foot-way;

(*g*) causes obstruction on any foot-way, or drives, rides or leaves any animal or drives, drags or pushes any vehicle thereupon;

exhibiting mimetic, musical or other performances, etc.;

(*h*) exhibits, contrary to any regulation made and notified by the Magistrate of the District, any mimetic, musical or other performances of a nature to attract crowds, or carries or places bulky advertisements, pictures, figures, or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned;

gambling in street;

(*i*) assembles with others or joins any assembly *gathered* in a street [gathered] for the purpose of gaming or wagering;

doing offensive acts on or near public streets;

(*j*) (i) slaughters any animal or cleans a carcass or hide, except in some place set apart for the purpose by order of the District Magistrate or of some other person having lawful authority in that behalf;

(ii) obeys a call of nature or [permits] *causes* a child to do so, or bathes or washes his person in or near to and within sight of a street, so as to cause annoyance to the neighbouring residents or to passers-by;

letting loose horses, etc., and suffering ferocious dogs to be at large;

(*k*) negligently lets loose any horse or other animal, so as to cause danger, injury, alarm or annoyance to the public, or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal *in any street* to attack, worry or put in fear any person or animal;

bathing or washing in places not set apart for those purposes;

(*l*) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the District or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nalla or other source or means of water-supply in which such bathing or washing is forbidden by order of the Magistrate of the District or other person having lawful authority in that behalf;

defiling water in public wells, etc.;

(*m*) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or a part of a river, stream, nalla or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid;

obstructing bathers;

(*n*) obstructs or incommodes a person bathing at a place set apart for that purpose as aforesaid, by wilful intrusion, or by using such place for any purpose for which it is not so set apart;

(*o*) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office;

behaving indecently in public;

(*p*) is drunk and incapable of taking care of himself in a street or place of public resort;

being drunk and incapable;

(*q*) wilfully pushes, presses, hustles or obstructs any passenger in a street, or disturbs the public peace or order, by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle, or otherwise;

obstructing or annoying passengers in streets;

(*r*) uses in any street any threatening, abusive or insulting words or behaviour or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned;

misbehaviour with intent to provoke breach of peace;

(*s*) begs importunately for alms, or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street;

begging and exposing offensive ailments;

(*t*) throws or lays down any dirt, filth, rubbish, or any stones or building materials in any street, or causes any offensive matter to run from any house, factory, dungheap, or the like, into any street;

throwing dirt into the street;

(*u*) neglects to fence in or duly to protect any well, tank, or other dangerous place or structure;

neglecting to protect dangerous places;

(*v*) without the consent of the owner or occupier, affixes or causes to be affixed any bill, notice or other paper upon any building, wall or fence, or writes upon or defaces or marks any such building, wall or fence;

affixing bills or defacing walls;

(*w*) solicits or molests any passenger *in a street* for the purpose of prostitution;

soliciting for prostitution.

shall be punished with fine which may extend to fifty rupees, provided that imprisonment in default of payment of such fine shall not exceed eight days, notwithstanding anything contained in Section 67 of the Indian Penal Code.

[56.] *55.* (1) Whoever cruelly beats, goads, overworks, overloads, ill-treats or tortures, or causes or procures to be cruelly beaten, goaded, overworked, overloaded, ill-treated or tortured any animal, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Punishment for cruelty to animals.

(2) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than

the Second Class, unless such Magistrate be specially invested with jurisdiction for that purpose by the Government.

Penalty for refusal to serve as special Police officer.

[57.] *56.* Any person appointed a special Police officer under Section 17 who, without sufficient excuse, neglects or refuses to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, shall be punished with fine which may extend to fifty rupees.

Penalty for vexatious search, arrest, etc., by Police.

[58.] *57.* Any Police officer who,—

(*a*) without lawful authority or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place; or

(*b*) vexatiously and unnecessarily seizes the property of any person; or

(*c*) vexatiously and unnecessarily detains, searches, or arrests any person; or

(*d*) offers any unwarrantable personal violence to any person in his custody; *or*

(*e*) holds out any threat or promise not warranted by law to an accused person;

shall for every such offence be punished with imprisonment for a term not exceeding two months, or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delay in forwarding person arrested.

[59.] *58.* Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules under Section [36,] *35* or of directions under Section [49.] *48.*

[60.] *59.* Whoever—

(*a*) contravenes any rule or order made under Section [36,] *35* or

(*b*) opposes or fails to conform to any direction given by the police under Section [49] *48, or*

(*c*) abets the commission of any offence referred to in clause (*a*) or clause (*b*),

shall be punished with fine which may extend to fifty rupees.

Penalty for failure to comply with order under Section [37.] *36.*

[61.] *60.* Whoever fails to comply with an order made under Section [37] *36*, shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Penalty for opening, etc., common gaming-house.

[62.] *61.* (1) Whoever opens, keeps, or uses or permits to be used any common gaming house, or conducts or assists in conducting the business of any common gaming-house, or advances or furnishes money for gaming therein, shall be punished with [a] *imprisonment not exceeding three months, or with* fine not exceeding two hundred rupees, or *with* both [imprisonment not exceeding three months];

Penalty for being found gaming in common gaming-house.

(2) whoever is found gaming or present for the purpose of gaming in a common gaming house, shall be punished with *imprisonment not exceeding one month or with* fine not exceeding one hundred rupees, [or imprisonment not exceeding one month,] or *with* both.

Explanation 1.—Any cards, dice, gaming-table or cloth, board, or other instruments of gaming found in any building, enclosure, room, [or] place *or vehicle* entered, or searched, under the provisions of Section [38] *37* or on any person found therein shall be evidence that such building, enclosure, room, [or] place *or vehicle* is used as a common gaming house, and that the persons found therein were there present for the purpose of gaming although no play was actually witnessed by a Police officer or others.

Explanation 2.—It shall not be necessary, in order to convict any person keeping a common gaming-house or of being concerned in the management of any gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Explanation 3.—Any person found in any common gaming-house, during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Instruments of gaming may be ordered to be destroyed on conviction.

[63.] *62.* On conviction of any person for keeping common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by order of the Magistrate, and such Magistrate may order all *moneys, securities for money*, or any of the other articles seized or the proceeds thereof to be forfeited.

Indemnification of witnesses.

[64.] *63.* Any person who shall have been concerned in gaming contrary to this Regulation, and who shall be examined as a witness before a Magistrate on a trial of any person for a breach of any of the provisions of the Regulation relating to gaming and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Regulation for anything done before that time in respect of such gaming.

Saving of games of skill.

[65.] *64.* Nothing in Sections [38] *37* and [62] *61* of this Regulation shall be held to apply to games of mere skill wherever played.

Payment of portion of fine to informer or Police.

[66.] *65.* The Magistrate may award any portion, not exceeding one-half, of any fine which shall be levied under Section [62] *61* of this Regulation, and of the moneys or proceeds of articles seized and ordered to be forfeited under Section [63] *62*, to informers or Police officers who may have assisted in the detection of the offenders.

Penalty for setting birds and animals to fight in public street or place.

[67.] *66.* Whoever is found setting any birds or animals to fight in any public street, place or thoroughfare or is there present aiding and abetting such public fighting of birds and animals, may be arrested by any Police officer without a warrant, and shall be punished

wt h imprisonment for a term not exceeding one month or with fine not exceeding fifty rupees [or imprisonment for a term not exceeding one month] or *with* both.

Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.

[68.] *67.* Whoever is found between sunset and sunrise—

(1) armed with any dangerous instrument with intent to commit an offence, or

(2) having his face covered, or otherwise disguised, with intent to commit an offence, or

(3) in any dwelling house or any other building, or on board any vessel or boat, without being able satisfactorily to account for his presence there, or

(4) lying or loitering in any street, or other place, being a reputed thief, and without being able to give a satisfactory account of himself, or

(5) having in his possession without lawful excuse any implement of house-breaking,

may be arrested by any Police officer without a warrant, and shall be punished with imprisonment for a term not exceeding three months.

Penalty for contravention of rules or directions under [Sections 39, 40, 41, 44, and 45.] *38, 39, 40, 43 and 44.*

[69.] *68.* Whoever—

(*a*) disobeys an order lawfully made under Section [39, 40 or 41] *38, 39 or 40,*

(*b*) opposes or fails to conform to any direction given by the Police under Section [44,] *43* or—

(*c*) opposes and disobeys any rule made or direction given [by the Police] under Section [45,] *44* or—

(*d*) contravenes any condition of a license granted under clause [s (*a*) and (*b*)] (1) of the said section, or

(*e*) abets the commission of any offence referred to in clause (*a*), (*b*), (*c*), or (*d*), *of this section,*

shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of regulation made under Section [42.] *41.*

[70.] *69.* Whoever contravenes or abets the contravention of any regulation made under Section [42] *41*, shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Penalty for contravention of direction given under Section [43.] *42.*

[71.] *70.* Whoever opposes or disobeys any direction given by a Magistrate of a District or a Sub-Divisional Magistrate under Section [43] *42*, or abets opposition to, or disobedience of any such direction, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Penalty for opposing or not complying with direction given under Section 50.

[72.] *71.* Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under Section [50] *49*, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Jurisdiction when offender is a Police officer above the rank of constable.

[73]. *72.* Offences against this Regulation when the accused person or any one of the accused persons is a Police officer above the rank of constable, shall not be cognizable by a Magistrate below the Second Class.

Prosecution for certain offences against Regulation to be at discretion of Police.

[74]. *73.* It shall not, except in obedience to a rule or order made by the Government or by the Magistrate of the District, be incumbent on the Police to prosecute for an offence punishable under Section [55, 56, 60, 61, 69, 70, or 71,] *54, 55, 59, 60, 68, 69 or 70* when such offence has not occasioned serious mischief, and has been promptly desisted from on warning given.

Prosecution for offences under other enactments not affected by Regulation.

[75]. *74.* Nothing in this Regulation shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Regulation or from being prosecuted and punished under this Regulation for an offence punishable under any other enactment: Provided that all such cases shall be subject to the provisions of Section 403 of the Code of Criminal Procedure.

CHAPTER VIII.

MISCELLANEOUS.

Disposal of rewards, etc., payable to Police officers.

[76]. *75.* All sums paid for the service of process by Police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers or are awarded to them by Magistrates *or granted by officers of Government or others* shall, except as hereinafter in this section provided, be credited to Government: Provided that, with the sanction of Government, or under any rule made by Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to Police officers or other persons.

No Municipal or other rates to be payable by Government on Police buildings.

77. [No Municipal or other local rates shall be payable by the Government on account of the occupation or use of any house or place by members of the Police force for the convenient performance of their duties.]

Power of Government to make rules.

[78]. *76.* (1) The Government may make rules consistent with this Regulation for more effectually carrying out the objects thereof and may, from time to time, repeal, alter or amend such rules.

Surveillance, etc., of criminal gangs.

(2) Such rules may, among other matters, provide for the registration, surveillance, and control of gangs or classes of persons believed to be addicted to the systematic commission of crime, and for the recording of finger-impressions by the Police of any person who—

(a) is in custody for a non-bailable offence, or

(b) has no settled abode and is suspected to be addicted to crime, or

(c) is a member of a gang or class of persons generally addicted to crime.

Publication of rules.

(3) Every rule under this section shall be published in the official Gazette in English and Kanarese, and shall come into effect [one month] *after two months* from the date of its first publication.

Penalty for breach of rules.

(4) For every breach of any such rule, the offender shall, on conviction, be punished with *imprisonment not exceeding eight days or with* fine not exceeding ten rupees, [or imprisonment not exceeding one month.]

Method of proving orders and notifications issued under Regulation.

[79]. *77.* Any order or notification published or issued by the Government or by a Magistrate or officer under any provision of this Regulation, and the due publication and issue thereof may be proved by the production of a copy thereof in the official Gazette, or of a copy thereof signed by such Magistrate or officer and by him certified to be a true copy of an original, published and issued according to the provisions of the section of this Regulation applicable thereto.

Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.

[80.] *78.* No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient for any defect of form or *in* publication or any irregularity of procedure, *unless such defect or irregularity has prejudicially affected the person concerned.*

No Magistrate or Police officer to be liable to any penalty *or* damages for act done in good faith in pursuance of duty.

[81.] *79.* (1) No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance [or intended pursuance] of any duty imposed or any authority conferred on him by any provision of this Regulation or of any rule, order or direction lawfully made or given thereunder.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(2) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by the Government, or by a person empowered in that behalf under this Regulation or any rule made under any provision thereof.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if instituted after one year.

(3) In any case of an alleged offence by a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Magistrate, Police officer or other person, by *reason of* any act done under colour or in excess of any such duty, or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted [more than] *after* one year [after] *from* the date of the act complained of.

Tender of amends.

(4) [No plaintiff shall recover in any such suit if tender of sufficient amends shal have been made before the institution of such suit, or if a sufficient sum of money shall have been paid into Court after institution thereof, by or on behalf of the defendant, and, though a decree shall be given for the plaintiff in any such suit, such plaintiff shall not have costs against the defendant, unless the Court shall certify its approbation of the suit].

Regulation not to affect any law relating to municipalities.

[82.] *80.* Nothing in this Regulation shall affect any of the provisions of any law in force relating to municipalities.

SCHEDULE A.

(*See Section 2.*)

ENACTMENTS REPEALED.

Number and year of enactment	Title or subject	Extent of repeal
V of 1861	An act for the Regulation of Police (as extended to the town of Bangalore by Government of India Notifications No. 385, dated the 11th December 1866, and No. 322—I. J., dated the 19th November 1879).	The whole.
III of 1867	For the punishment of public gambling and the keeping of common gaming-houses (as extended to the town of Bangalore by Government of India Notification No. 240, dated the 11th December 1867).	The whole.
1872	Regular Police Rules, published under Government of India Notification No. 230 J., dated the 16th October 1872.	The whole, with the exception of the provisions prescribing diaries, books, registers, returns and reports, so far as they are not inconsistent with this Regulation or Rules framed thereunder.

SCHEDULE B.

(See Section 10.)

Form I.

FORM OF CERTIFICATE FOR INSPECTOR OF POLICE.

The seal of the Inspector-General of Police in Mysore.

*A. B.** has been appointed an Inspector in the Mysore Police Force.....and is vested with the powers, functions and privileges of a Police officer under the Mysore Police Regulation 190

Dated the.....

(*Signature*)
Inspector-General of Police.

*Particulars :—

Father's name.....
Race, religion, caste.....
Native place.....
Age.....
Length of previous service, if any .....

Form II.

Form of Certificate for Police Officer below the grade of Inspector.

Seal of the Deputy Commissioner of the District.

*A. B.** has been appointed to the Police Force, Mysore, and is vested with the powers, functions and privileges of a Police officer under the Mysore Police Regulation, 190

Dated the.....

(Signature)
Deputy Commissioner.

* Particulars :—

Father's name.....
Race, religion, caste.....
Native place.....
Age.....

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BANGALORE, THURSDAY, JANUARY 23, 1908.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 278—L. C. 6-07, dated 21st January 1908.

Under Rule 40 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying report of the Select Committee appointed for the consideration of the Police Bill and the Bill as amended by them, are published for general information.

By Order,
K. MYLAR RAO,
Secy., Mysore Legislative Council.

Report of the Select Committee appointed for the consideration of the Police Bill.

We, the members of the Select Committee appointed for the consideration of the Police Bill, beg to submit the following report thereon. Owing to several causes, the Committee was unable to sit earlier, and had consequently to get the period for the submission of the report extended by about two months. We have now carefully considered the several provisions of the Bill in detail and also the several representations that were received. The principal amendments proposed and the reasons therefor are noted below.

Clause 3, Sub-clause (i), (i).—We are of opinion that the expression "subject to the provisions of the Village Offices Regulation," should be inserted between the words "provide" and "for" occurring herein, so as to subject the entertainment, appointment, etc., of the officers mentioned, to the provisions of the said regulation and not to interfere therewith.

In this connection we would recommend that printed books with counterfoils and pages consecutively numbered should be supplied to the patels for communicating their first information reports to the Police, one copy being retained by the patels and the other sent to the Station House Officer.

Clause 4—Definitions.—The word "vehicle" has been added in the definition of 'common gaming house,' so as to remove all doubts as to whether vehicles come under the definition or not; and meet gambling in carriages, etc., in transit.

A definition of the word "vehicle" has been added. It is the same as is contained in the Municipal Regulation but with a slight amendment so as to include conveyances used or capable of being used not only on a public street but also elsewhere, for instance on a railway line.

Clause 9.—The word 'and' is replaced by the words "or by," to make the meaning clear and to avoid any misapprehension that both the Deputy Commissioner and the District Superintendent should concur in making the appointment.

Clause 11 (2) (*a*).—This clause is transposed and inserted under clause 10 (2) which is its proper place. It is a little imperfect; for instance, it does not cover the case of an Inspector who ceases to be such, but may nevertheless continue to be a Police Officer, as when he is degraded, and his certificate should become null and void and should be surrendered by him. We have therefore added a new para under clause 10 (1) regarding the certificates of Inspectors. The corresponding provision in the Bombay Act provides for the previous service, if any, being entered in the certificate. We have thought it desirable to note in the certificate the length of the previous service, if any, and have accordingly amended the schedule prescribing the form of certificate by inserting an additional heading.

Clause 12.—The words "adviser of Government in all matters connected with the Police," are omitted, as they appear to be unnecessary and unusual.

Clause 13.—As the clause stands, unless and until any limitation is imposed by Government, the Inspector-General of Police may exercise all the powers of a First Class Magistrate. We are of opinion that the Inspector-General should not exercise such powers without being specially authorised by Government, and should do so only in such cases and in such manner as may be prescribed by Government. We have therefore amended the clause by adding the words "only in such cases and" after the words "exercise such powers."

Clause 15, Sub-clause (*2*).—We fully approve of the wisdom of the policy of Government enunciated in this sub-clause and are of opinion that it is conducive to the highest public good. We are glad to recognize in the recent act of Government an earnest of the policy of separating the executive from the judicial.

Clause 17.—The expression "any Magistrate in the neighbourhood" has been replaced by the words "the nearest Magistrate," the words used in the Madras Act, XXIV of 1859, and the expression "so many of the residents of the neighbourhood as may be required to act," has been qualified by "so many of the fit and capable male residents," in order to prevent indiscriminate impressment.

Clause 22, Sub-clause (*1*).—It seems to us that the period prescribed for the injured party to prefer an application under this clause for compensation, *viz.*, one month, is too short to meet all cases. We have accordingly extended it to three months and as a consequential change have omitted the expression "or such shorter period as may be prescribed."

Clause 22, Sub-clause (*2*) (*a*) (*ii*).—As the sub-clause stands, the declaration the Deputy Commissioner may make is with respect to the local area the inhabitants of which have caused or contributed to the holding of the unlawful assembly. But application for compensation may be made to the Deputy Commissioner not only by a person who has suffered injury from any act done in the prosecution of the common object of an unlawful assembly, but also from the misconduct of the inhabitants or any class or any section of them in any area referred to in section 21, and the Deputy Commissioner should therefore be empowered to declare the area in which the misconduct of the inhabitants has caused the injury. We have therefore

added the words "to such disturbed or dangerous state or" after the word "contributed."

Clause 22, Sub-clause (6).—What is intended by this sub-clause evidently is that a party who *has taken the amount awarded* by the Deputy Commissioner is precluded from seeking further relief in a Civil Court. But it does not prevent a party in whose favor an award is made but who does not take the amount on the ground of its being inadequate, from going to the Civil Court for redress. In order to avoid any possible ambiguity, the words "and received" are added after "granted."

Clause 26, Sub-clause (3).—The words "under sub-section (1)" are omitted as being unnecessary and as limiting the powers of the punishing authority to the cases mentioned therein, which do not cover all the cases in which a police officer may be punished.

Clause 27, Sub-clause (2).—This sub-clause is somewhat amplified and the right of appeal is affirmed beyond all doubt.

Clause 28.—The words "or Assistant Superintendent" are deleted, as the words "District Superintendent" have been defined to include an Assistant Superintendent.

Clauses 33 and 34.—The words "on conviction before a Magistrate" are inserted between the words "shall" and "be punished" in these clauses, so as to make the sense more complete.

Clause 35.—We are of opinion that this provision is unnecessary. The District Magistrate who has to move the Government generally in such cases can himself take action under Section 144, Criminal Procedure Code. The clause is therefore omitted.

Old clause 36, Sub-clause (3).—New clause 35, Sub-clause (3).—We consider that the period of fifteen days fixed for the rule to be in force is too short and have therefore extended it to thirty days.

Old clause 38.—New clause 37.—As the clause now stands, it is applicable only to villages and towns proper. We have reason to think that gambling prevails largely outside the towns and villages and by the side of public roads. The scope of the prohibition has therefore been extended by omitting the words "in any town or village" therefrom.

Old clause 42, Sub-clause (2).—New clause 41, Sub-clause (2).—As the clause stands, the inhabitants of the place where a festival, etc., are held, are liable to be taxed along with the pilgrims resorting thereto. It seems to us that it is inequitable to tax the inhabitants on such occasions as they already pay taxes in some shape or other. The *raison-d'etre* of special taxation in this connection is the influx of extra and fresh people as pilgrims. We understand that the practice hitherto has been to levy the tax on the outside visitors only. We have accordingly amended the clause so as to make the tax leviable only from the persons repairing to the place.

Old clause 45.—New clause 44.—We are of opinion that the power to issue licenses should be reserved in the hands of higher officers, such as Amildars and City Magistrates, and that from order granting or refusing licenses, appeals should lie in the first instance to the District Magistrate, and secondly to Government. We have accordingly added two new sub-clauses marked (1) and (2) and omitted in the original sub-clause (1) (*a*) new sub-clause (3) (*a*) the words "and issue licenses therefor."

Old clause 46, Sub-clause 4.—New clause 45, Sub-clause 4.—We consider that such a provision as is made herein, should not find a place in the Regulation, but should be left to be provided for by rules and have therefore omitted it.

Old clause 55, Sub-clause (k)—New clause 54, Sub-clause (k).—The words "knowingly or" are inserted before "negligently" in this sub-clause, as these words are found in the corresponding provision in the Indian Penal Code, Section 289. We have also inserted the words "in any street" between the words "animal"

and "to attack," because the provision as it stands, is needlessly rigorous and may render it an offence to suffer a ferocious dog to be at large even within an enclosed compound, during nights, to guard against thieves and trespassers.

Old clause 63.—New clause 62.—This clause shows how instruments of gaming may be disposed of but not how moneys and securities for money found in a common gaming house and seized under clause 38 of the original bill—new clause 37—may be disposed of. We have therefore inserted the words "moneys, securities for money" after the word "all."

Old clause 76.—New clause 75.—We are of opinion that rewards granted by officers of Government and by private persons should also be brought under the operation of this section and have accordingly amended the clause.

Old clause 77.—New clause 76.—This clause is omitted as sufficient provision has been made in the Municipal Regulation for exempting Police Stations, etc., from payment of taxes and in case any further exemption is required in respect of police buildings intended for the occupation of the members of the Police Force, the necessary provision therefor should be left to be made by subsidiary rules.

Old clause 78, Sub-clause 3.—New clause 76, Sub-clause 3.—The period of one month is considered too short and is therefore extended to two months.

Old clause 78, Sub-clause 4.—New clause 76, Sub-clause 4.—The period of imprisonment fixed is quite disproportionate to the fine which may be imposed for the breach of the rules as an alternative punishment. We have therefore reduced it to eight days.

Old clause 81 (4).—*New clause 79* (4).—This is omitted as sufficient provision to the same effect already exists in the Civil Procedure Code.

The other amendments are unimportant or are consequential to those already mentioned.

We recommend that the Bill as amended by us may be passed into law.

BANGALORE,
21st January 1908.

V. N. NARASIMMIYENGAR,
Chairman.

M. C. RANGIENGAR.

B. NAGAPPA.

K. P. PUTTANNA CHETTY.

Note.—The portions within heavy brackets are the deleted portions of the original bill and those in italics are newly inserted.

THE MYSORE POLICE BILL.

(As amended by the Select Committee.)

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(*g*) obstructing foot-way;
(*h*) exhibiting mimetic, musical or other performances, etc.;
(*i*) gambling in street;
(*j*) doing offensive acts on or near public streets;
(*k*) letting loose horses, etc., and suffering ferocious dogs to be at large;
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THE MYSORE POLICE BILL.

(As amended by the Select Committee.)

A Bill to Consolidate and amend the Law relating to the Police of Mysore.

Whereas it is expedient to amend the law relating to the Police of Mysore: His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. (1) This Regulation may be cited as the Mysore Police Regulation, 190 .

Extent.

(2) It extends to the whole of Mvsore; and

Commencement.

(3) It shall come into force at once

Repeal of enactments.

2. The enactments mentioned in Schedule A are repealed to the extent specified in the third column thereof.

All references made in any enactment in force to any enactment hereby repealed shall be read as if made to the corresponding portion of this Regulation.

All rules prescribed, appointments made, powers conferred, and orders and certificates issued under any such enactments shall, so far as they are consistent with this Regulation, be deemed to have been respectively prescribed, made, conferred and issued hereunder.

Rules as to Village Police.

3. (1) The Government may, from time to time, by notification in the official Gazette make rules having the force of law regarding the organization and regulation of the village Police in Mysore and may cancel, alter or add to such rules; and the Government may, by such rules, among other matters,

"any law or rules in force relating to village offices"

(i) provide, *subject to the provisions of the Village Offices Regulation* for the entertainment of such village headmen, village watchmen, ~~totis, talaris~~, and other establishments of village Police as may be necessary for each village or place, the appointment of permanent, temporary or acting incumbents for the said offices, and their remuneration; Ex Sel

(ii) define the relations of members of the village Police to one another and to the regular Police;

iii) prescribe the powers and duties of village Police officers of different grades as regards the collection and communication of intelligence [regarding] *relating to* the condition of the community, the state of crime, the commission of offences, the occurrence of suspicious or unnatural deaths, and the like, *and as regards* the execution of processes, the apprehension of offenders or suspicious characters, the conduct of searches, the holding of inquests, the custody and disposal of unclaimed property, the investigation of offences, the examination of witnesses, the taking of precautionary measures against dangers to the public health, peace or safety,

the maintenance and charge of village boundary hedges and walls, gates, Chavadi and other buildings, and other matters;

(iv) require the inhabitants of villages to aid the village Police, when called upon to do so, in keeping watch and patrolling their villages at night, in preventing or resisting robbery or other cognizable offences, in pursuing or apprehending offenders, in the recovery of stolen property, in the maintenance of village fences and village gates in good order, and in carrying out other communal purposes of a like nature;

(v) define the ordinary powers of village headmen and the powers with which village headmen may be specially invested, in respect of the trial and punishment of offenders, and the procedure to be followed in the exercise of such powers;

(vi) provide for the punishment departmentally or otherwise of members of the village Police for misconduct or dereliction of duty; and

(vii) attach to the breach of any rule under this section a penalty on conviction before a Magistrate not exceeding one hundred rupees.

(2) Until such rules shall be made and published as aforesaid, the "Rules for the organization and regulation of the village Police in Mysore," published under the Notification of the Government of India, Foreign Department, No. 230 J., dated the 16th October 1872, and as subsequently amended from time to time, shall continue to be in force, and shall be deemed to be rules made under this section.

Definitions.

4. In this Regulation, unless there be something repugnant in the subject or context:—

"Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent," and "Assistant Superintendent."

(*a*) "Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent" and "Assistant Superintendent" mean, respectively, the Inspector-General of Police, a Deputy Inspector-General of Police, an Assistant Inspector-General of Police, a District Superintendent of Police and an Assistant Superintendent of Police appointed under this Regulation;

"District Superintendent."

(*b*) "District Superintendent" includes any Assistant Superintendent or other person appointed by general or special order of the Government to perform all or any of the duties of a District Superintendent of Police under this Regulation in any district or part of a district;

"Inspector."

(*c*) Subject to such rules and orders as the Government may pass, "Inspector" includes "Sub-Inspector" and "Jamadar;"

"Police Officer."

(*d*) "Police Officer" means any member of the regular Police force appointed under this Regulation;

"Constable."

(*e*) "Constable" means a Police officer of the lowest grade;

"District."

(*f*) "District" means a territorial division constituting a district for the purposes of the Mysore Land Revenue Code, 1888, and includes a portion of a district placed under the charge of a District Superintendent for the purposes of this Regulation;

"Taluk" and "Sub-Taluk."

(*g*) "Taluk" and "Sub-Taluk" mean, respectively, the local limits within which an Amildar and a Deputy Amildar ordinarily exercise revenue jurisdiction under the Mysore Land Revenue Code;

"Street."

(*h*) "Street" includes any highway and the way over any causeway, bridge, viaduct or arch, and any road, lane, footway, square, court, alley, or passage accessible to the public, whether a thoroughfare, or not;

"Common gaming-house."

(*i*) "Common gaming-house" means any building, enclosure, room [or] place, *or vehicle* in which, cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, or keeping such building, enclosure, room [or] place, whether by way of charge for the use of instruments of gaming, or of the building, enclosure, room [or] place, or otherwise howsoever; or vehicle. or vehicle,

"Cattle."

(*j*) "Cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

"Vehicle."

[*k*] (*k*) "*Vehicle*" *includes bicycles, tricycles, motor cars and every wheeled conveyance*;

Words and expressions defined in the Criminal Procedure Code.

(*l*) Words and expressions which are defined in the Code of Criminal Procedure have the same meaning as in that Code.

CHAPTER II.

ORGANIZATION OF THE REGULAR POLICE.

Constitution of Police force.

5. The entire Police establishment under the Government shall, for the purposes of this Regulation, be deemed to be one Police force and shall consist of such number of officers and men, and shall be enrolled and constituted in such manner, and receive such pay, as shall from time to time be ordered by Government.

Appointment of Inspector-General of Police;

6. (1) The Government may appoint an Inspector-General of Police for the direction and supervision of the Police force in Mysore.

and of Deputy or Assistant Inspector-General.

(2) The Government may appoint one or more Deputy or Assistant Inspectors-General of Police, to whom Government may assign such duties being amongst the lawful duties of the Inspector-General of Police, or in aid and furtherance thereof, as shall to Government seem expedient.

Their suspension or removal.

(3) The Inspector-General and Deputy or Assistant Inspector-General may be suspended or removed from office by Government.

Further list of amendments submitted -

May I know ~~why~~

Yes (i) whether in clause 5-4 (2), the wording of the original bill is to be restored

Yes (ii). whether moneys, ~~and~~ securities for money" ~~may~~ in clause 62 may be retained I understand that they are to be retained

Omit (iii) whether clause 77 of the original bill is to be retained or omitted.

Secy) 26.2.08 MW

I think the amendments are all right.

Please have them all inserted in one or two copies & the sections renumbered & refers to sections in all parts of the bill verified

CPB 26/2

7. The Government may appint for each district such Superintendents and Assistant Superintendents of Police as it may think expedient, and may dismiss, suspend, reduce, remove or transfer any of such officers as it may think fit.

Appointment of District and Assistant Superintendents.

8. The appointment of Inspectors shall, subject to the rules and orders of Government, vest in the Inspector-General.

Appointment of Inspectors by Govt

9. Police officers below the grade of Inspector shall be appointed in each district by the Deputy Commissioner [and] *or by* the District Superintendent, subject to such rules as the Government may from time to time prescribe.

Appointment of Police officers ~~below the grade of Inspector~~ by the D.C. & other officers

Substitute

8. The appointment of Inspectors of such grades as Govt may from time to time prescribe shall be made by Govt. (9) ~~2) and~~ The appointment of (1) Inspectors of grades other than those prescribed ~~as aforesaid~~ under Sec 8. ~~shall~~ and ~~the appoint~~ of Sub inspectors shall ~~be subject to such rules~~ vest in the Inspector General.

2). Police Officers of the rank of Jemadar shall be appd. in each Dt by the Dy Commr.

3). Police officers below the rank of Jemadar shall be appd. in each Dt by the Dt Supdt.

~~Provided that~~

4). ~~Police Officers of the Classes~~ ~~grades referred to and~~ The appointments of all officers of any Provincial Reserve Police force ~~&~~ except ~~the~~ of the grades of inspectors of the grades prescribed under ~~sub clause (3)~~ section 8 shall be made by the Inspector General.

Provided that all appointments made under ~~sub~~ this section ~~2, 3, 4~~ shall be subject to such rules ~~or orders~~ as Govt may from time to time prescribe.

10. (1) (An) Inspector shall, on appointment, receive from the Inspector-General a certificate of appointment in Form I of Schedule B. *Such certificate shall become null and void whenever the person named therein ceases for any reason to be an Inspector and shall be forthwith surrendered by him.*

Certificates of appointment to be given to Inspectors and sub inspectors.

(2) Every Police officer below the grade of Inspector or shall, on enrolment, receive a certificate in Form II of Schedule B, from the Deputy Commissioner of the District in which he is enrolled, and every such police officer enrolled in any Provincial Reserve Police force shall receive a certificate in Form II of Sch B from the Inspector General.

Certificates of office to be given to Police officers below the grade of Inspector.

Sub

[11 (2) (*a*)] ~~(3)~~ Every certificate ~~of [appointment]~~ (enrolment) shall become null and void whenever the person named therein ceases for any reason to be a Police officer and shall be forthwith surrendered by him. ~~to any officer empowered to receive the same~~.

Such certificates when to become null and void.

11. (1) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a Police officer.

Powers, etc., of persons appointed as aforesaid.

(2) [(*b*)] A Police officer shall not, by reason of his being suspended from office, cease to be a Police officer, but during the term of such suspension, the powers, functions and privileges vested in him shall be in abeyance and he shall continue subject to the same responsibilities and subject to the same auhorities as if no such suspension had taken place.

Temporary suspension of powers, etc., of Police officers.

12. The Inspector-General shall be the head of the Police Department [and the adviser of Government in all matters connected with the Police.] He will exercise general control over the Police force and over crime—more particularly, organized and professional crime—and subject to the approval of Government he may make rules and orders under the provisions of Sections 24 and 25 of this Regulation.

General powers of the Inspector-General.

13. The Inspector-General of Police shall have the powers of a Magistrate of the 1st Class throughout Mysore, but shall exercise such powers *only in such cases and* subject to such limitations as may from time to time be imposed by Government.

Inspector-General to have magisterial powers; and to exercise them subject to limitations imposed by Government.

prescribed and

General powers of Deputy Commissioner.

14. Subject to the general control of the Inspector-General, the Deputy Commissioner shall be the head of the Police in his district, and shall, as such, direct and regulate all matters connected with the efficient discharge of their duties by the Police force of his district.

Powers of Superintendent.

15. (1) Subject to such rules and orders as may be made by Government in this behalf, and to the general control of the Deputy Commissioner, the District Superintendent may exercise all or any of the powers of the Deputy Commissioner under this Regulation; and without prejudice to the powers and responsibility of the Deputy Commissioner, the District Superintendent shall have direct control over all ordinary matters connected with :—

(*a*) Arms, accoutrements, clothing;
(*b*) Drill, exercise;
(*c*) Observation and surveillance of gangs, [K. Ds] *known depradators*, suspects; collection and communication of intelligence and information; identification of persons by finger prints or otherwise;
(*d*) distribution of duties and beats;
(*e*) education of men and officers in law[s; orders, and modes of], Police Procedure; and and
(*f*) ~~all other ordinary matters of a routine nature;~~ questions of routine -

and may correspond direct with the Inspector-General in ordinary matters connected arms, accoutrements, clothing, drill and discipline, escorts, reports and returns, identification of persons by finger prints or otherwise, and other routine matters.

Powers of Amildar, Deputy Amildar and Inspector.

(2) Subject as aforesaid, the Amildar and Deputy Amildar shall be *ex-officio* Police officers within their revenue charges and shall have general powers of control over the Police and be responsible for the prevention and detection of crime and maintenance of order within such charges; and the Inspector shall be the executive head of the Police within his range, subject to the general control and direction of the Amildar or Deputy Amildar.

Deputy Commissioner may make necessary distribution of Police force.

16. Subject to the approval of the Inspector-General, the Deputy Commissioner may make such distribution or movement of the allotted Police force within his jurisdiction as may be found necessary to meet local requirements.

Appointment of Special Police officers.

17. When it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place or is reasonably apprehended and that the Police force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred, or is apprehended, it shall be lawful for ‡any‡ Stet
[*the nearest*] Magistrate ‡in the neighbourhood‡, on the application of any Police officer having authority in the place, not below the rank of officer in charge of Police Station, to
an a

appoint, by a written order signed by himself and sealed with his official seal, so many of the *fit and capable male* residents of the neighbourhood as may be required to act as Special Police officers for such time and within such limits as he shall deem necessary.

Powers and responsibilities of Special Police officers.

(2) Every Special Police officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer; but it shall not be necessary for him to receive a certificate of office under Section 10.

Employment of additional Police at request of persons showing the necessity therefor.

18. (1) The Inspector-General, or the Deputy Commissioner subject to the approval of the Inspector-General, may, on the application of any person showing the necessity therefor, depute any additional number of Police to keep the peace or to perform other Police duties at any place within [their respective] *his* jurisdiction.

Cost thereof.

(2) Such additional Police shall be *employed* at the charge of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as may be deemed necessary.

Proviso regarding relief from cost.

(3) Provided that, if the person upon whose application such additional Police are employed shall at any time make a written requisition to the Inspector-General or the Deputy Commissioner for the withdrawal of the said Police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as such officer shall determine.

Employment of additional Police near large works.

19. (1) Whenever it shall appear to the Inspector-General or the Deputy Commissioner that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any Railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place, necessitates the employment of additional Police at such place, such officer may, with the sanction of Government, depute such additional Police to the said place and keep the said Police employed there for so long as he shall consider necessary.

Cost thereof.

(2) Such additional Police shall be *employed* at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, at such rates and payable at such times as the Deputy Commissioner, with the sanction of Government, may prescribe and shall be subject to the orders of the Police authorities

Dispute as to payments of cost.

20. In the event of any dispute in any case under section 18 or section 19, the decision of the Deputy Commissioner shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may be levied as if it were an arrear of Land Revenue.

Employment of additional Police in cases of special danger to public peace.

21. (1) The Government may, from time to time, by notification duly published, direct the employment of additional Police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the Police.

Cost thereof.

(2) The cost of such additional Police shall, if Government so direct, be either in whole or in part defrayed by a tax imposed on the persons herein below mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate in such proportions as the Government may fix, and charged—

(*a*) either generally on all persons who are inhabitants of the local area to which such notification applies; or

(*b*) specially on any particular section or sections or class or classes of such persons;

Explanation.—For the purposes of this section and of Section [*21*] *22* "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents or revenue, direct from raiyats or occupiers in such area, notwithstanding that they do not actually reside therein.

Extension of period for payment of cost.

(3) It shall be lawful for Government to extend the period for the payment of such tax or rate for a term not exceeding in any case five years beyond the period for which such additional Police are actually employed.

Assessment of cost.

(4) The said tax shall be imposed, or the said rate shall be assessed, by the Deputy Commissioner at his discretion.

Exemption from liability to bear cost.

(5) It shall be lawful for Government, by order, to exempt any persons from liability to bear any portion of such cost.

Application for compensation for injury caused by misconduct of inhabitants or unlawful assembly.

22. (1) If death or grievous hurt or loss of or damage to property has been caused by or has ensued from the misconduct of the inhabitants or any class or section of them in any area referred to in the preceding section or by anything done in the prosecution of the common object of an unlawful assembly, it shall be lawful for any person or persons who claim to have suffered injury from such misconduct or act to make, within [one month] *three months* from the date of the injury [or such shorter period as may be prescribed] an application to the Deputy Commissioner for compensation.

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Compensation how recoverable.

(2) With the previous sanction of Government obtained through the Inspector-General, the Deputy Commissioner may—

(*a*) after such enquiry as he deems necessary,

(i) determine the amount of the compensation which should be paid to such person or persons, and

(ii) declare the local area, the inhabitants of which have, in his opinion, by their conduct caused or contributed *to such disturbed or dangerous state or* to the holding of such assembly;

(*b*) recover the amount so determined, in such proportions as he may think proper, from all or any of the inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons;

(*c*) award or apportion, all or any moneys so recovered to any person or among all or any persons whom he considers entitled to compensation in respect of the ~~loss or damage or~~ death or grievous hurt aforesaid. or loss or damage

Exemption from liability to pay compensation.

(3) It shall be lawful for Government, by order, to exempt any person from liability to pay any portion of such compensation.

Conditions under which compensation recoverable.

(4) No recovery shall be made and no compensation shall be granted under this section unless the Deputy Commissioner is satisfied that the person claiming compensation is himself free from [claim] *blame*, in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid.

Orders of Deputy Commissioner subject to revision.

(5) Every declaration, assessment and order made by the Deputy Commissioner under sub-section ~~(1)~~ (2) shall be subject to revision by Government or by such officer as it from time to time empowers in this behalf, but save as aforesaid shall be final.

Bar to maintaining civil suit.

(6) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted *and received* under this section. awarded awarded

Recovery of rates and charges under Sections [20] *21* and [21] *22* by Deputy Commissioner.

23. Every tax imposed or rate assessed or amount recoverable by the Deputy Commissioner under the last two preceding sections or other provision of this Regulation, shall be recovered by the Deputy Commissioner as if it were an arrear of land revenue due by the person answerable therefor.

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

Framing of rules for administration of Police.

24. Subject to the orders of Government, the Inspector-General may, from time to time, make rules or orders not inconsistent with this Regulation or with any other enactment at the time in force—

(*a*) relating to the recruitment, organization, classification and discipline of the Police;

(*b*) regulating the inspection of the Police by his subordinates;

(*c*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police;

(*d*) for the institution, management and regulation of any Police fund for any purpose connected with the Police administration;

(*e*) regulating the distribution, movement and location of the Police;

(*f*) regulating the duties of Police officers of different grades;

(*g*) regulating the collection and communication by the Police of intelligence and information, and the investigation of crime;

(*h*) prescribing the books and registers to be maintained and the returns to be submitted by the several Police officers;

(*i*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

Inspector-General may make inspections and call for returns, etc.

25. The Inspector-General [of Police] may, subject to the rules and orders of Government, make periodical inspections of Police establishments and stations, and require from [the Deputy Commissioner and other officers subordinate to him] returns, reports and statements, either particular or general, on subjects connected with the suppression of crime, the condition of the criminal classes, the maintenance of [the] order and the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police force, the utilization of auxiliary means, the performance by the Police of their duties, and all other matters in furtherance of his control of the Police force.

the Dt Supt and other Subordinate officers subordinate to him and from the Dy Comm

Punishment of Police officers departmentally for neglect of duty, etc.

26. (1) Any officer authorized by sub-section (3) in that behalf may suspend, reduce or dismiss any Police officer whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty, or unfit for the same, and may fine, to an amount not exceeding one month's pay, any Police officer ~~below the grade of Assistant Superintendent~~ who is guilty of any breach of discipline or misconduct which does not require his suspension or dismissal, or who, by any act of his own, renders himself unfit for the discharge of his duty.

Punishment under this section to be in addition to penalty under Section 33, [58] 57 or [59] ~~58~~ 60

(2) Any punishment inflicted on a Police officer under this section shall be in addition to the penalty to which such officer is liable under Section 33, [58] 57 or [59] 58 of this Regulation or any other law in force.

Subject to the provisions of Sec 8

Punitive powers of Inspector-General and Deputy Commissioner.

(3) The Inspector-General shall have authority to punish any Police officer below the grade of Assistant Superintendent [under Sub-Section (1)]. The Deputy Commissioner and the District Superintendent shall have each the like authority in respect of any Police officer subordinate to him below the grade of Inspector; and the Deputy Commissioner may suspend an Inspector who is subordinate to him, pending inquiry into [a] *any* grave complaint against such Inspector and until an order of the Inspector-General can be obtained. But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by Government in that behalf.

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Procedure to be observed in awarding punishment.

27. (1) When any officer passes an order for fining, suspending, reducing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, [under his signature] in Kanarese or inEnglish, ~~and signed by him~~.

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[(2) In regard to appeals against the orders aforesaid, the final authority in the case of constables, shall be the Inspector-General, and in the case of all other officers, appeals may lie to Government.]

(2) *From all orders passed by the District Superintendent under sub-section (1), an appeal shall lie to the Deputy Commissioner. From ~~the~~ order of the Deputy Commissioner an appeal shall lie to the Inspector-General. In the case of all officers above the rank of constables, a further appeal shall lie to Government.*

all/s/

Departmental punishment for insubordination.

28. (1) The Inspector-General or the Deputy Commissioner or ~~any~~ District Superintendent, [or Assistant Superintendent] may punish by confinement for a period not exceeding three days, any Police officer below the rank of jamadar or head constable who is, in his presence, grossly insubordinate or who is insolent to him.

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Procedure to be observed in awarding such punishment.

(2) Every order for punishing a Police officer as aforesaid shall be recorded in the manner prescribed in Section 27, and a copy of every such order made by a Deputy Commissioner or District Superintendent [or Assistant Superintendent] shall be forwarded by him without delay to [his ~~immediate superior~~]

the Inspector General or the Dy Commr as the case may be.

Police officers to be deemed to be always on duty and to be liable to employment in any part of Mysore.

29. Every Police officer shall, for all purposes of this Regulation, be deemed to be always on duty and may at any time be transferred to or employed on Police duty in any part of Mysore for so long as his services may be there required.

Police officer not to engage in trade, etc.

30. (1) Without the permission of the Deputy Commissioner or Inspector-General, or of Government, no Police officer shall engage in trade or be in any way concerned, either as principal or as agent, in any dealing in land within the district wherein he is employed or in any commercial transaction whatever, or bid for property sold by order of a Criminal Court, or have money transactions with another Police officer.

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Police officers not to [be employed] *engage* on other than Police duties.

(2) No Police officer shall, unless with the written permission of the Inspector-General, hold any office, or practice in any profession, or engage in any employment whatever, other than his office or duties as such Police officer.

These prohibitions to apply also when Police officer is on leave or under suspension.

(3) The prohibitions in sub-sections (1) and (2) apply when a Police officer is on leave or under suspension as well as when he is on duty.

Under what conditions Police officer may resign.

31. (1) Unless with the written permission of the Deputy Commissioner or of some other Police officer empowered by the Inspector-General in this behalf, no Police officer of or below the rank of Inspector shall resign his office or withdraw himself from the duties thereof until—

(*a*) the expiration of two months after written notice of his intention so to do has been given by him to the Deputy Commissioner: and until—

(*b*) he has fully discharged any debt due by him, as such Police officer, to Government or to any Police fund.

Proviso.

(2) Provided that, if any such Police officer produces a certificate signed by the principal Medical officer in the district declaring him to be unfit, by reason of disease or mental or physical incapacity, for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as aforesaid.

Arrear pay of Police officer contravening this section may be forfeited.

(3) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the Deputy Commissioner, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under Section 33 of this Regulation or other law in force.

Certificate, arms, etc., to be delivered up by person ceasing to be Police officer, and

32. (1) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Deputy Commissioner to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

if not delivered up, may be seized under search warrant.

(2) Any Magistrate and, for special reasons which shall be recorded in writing at the time, any District Superintendent may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, by a Police officer or, if the Magistrate or District Superintendent issuing the warrant so directs, by any other person.

Saving of certain articles.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalty for making false statement, etc.,

33. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or

and for misconduct of Police officers.

(2) any Police officer who—

(*a*) contravenes any provision of Section 30, or

(*b*) is guilty of cowardice, or

(*c*) resigns his office or withdraws himself from the duties thereof in contravention of Section 31, or

(*d*) is guilty of any wilful breach, or neglect of any provision of law or of any rule or order which, as such Police officer, it is his duty to observe or obey, or

(*e*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall *on conviction before a Magistrate* be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave.

(3) A Police officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave, shall, for the purposes of clause (*c*), be deemed to withdraw himself from the duties of his office within the meaning of Section 31.

Penalty for failure to deliver up certificate of appointment or of office or other article.

34. Any Police officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office, or any other article, in accordance with the provision of sub-section (1) of Section 32, shall *on conviction before a Magistrate* be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

CHAPTER IV.

POLICE REGULATIONS.

adopt Bombay section wording.

Power of Government to make orders in matters under Section 144 of Criminal Procedure Code.

[35. ~~It shall be competent for the~~ Government, ~~to~~ whenever it shall seem necessary may ~~make~~ by notification, make an ~~any~~ order to such effect as any order which, if made by a Magistrate under Section 144 of the Code of Criminal Procedure, could be continued in force by Government under the ~~said section.~~] enactment aforesaid

Rules may be made by District Magistrate regarding use of streets, etc.

[36] *35.* (1) In any town or other place in which he thinks fit the Magistrate of the District, may, from time to time and subject to such orders as may have been made by a Municipal or other authority empowered in that respect, make rules or orders—

(*a*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(*b*) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*c*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(*d*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*e*) prescribing certain hours of the day, during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the streets or along certain specified streets, except [subject to] *under* such reasonable regulations as he may prescribe in that behalf;

(*f*) prohibiting the setting fire to or burning any straw or other matter; or [letting] *lighting* a bonfire or wantonly discharging a fire-arm or air-gun, or lighting off or throwing a fire-work, or sending up a fire-balloon in or upon or within fifty feet of a street or building, or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except [subject to] *under* such reasonable regulations as he may prescribe in that behalf;

(*g*) prohibiting, except under such reasonable regulations as he may impose, the making of any excavation, the placing of building materials or other articles, or the fastening or detention of any horse or other animal in any street;

(*h*) regulating the blasting of rocks or the making of excavations in or near any street, and providing for the taking out of licenses for such operations;

(*i*) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or parts thereof and the corpses of persons [deceased];

(*j*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature;

(*k*) laying down such directions in cases of existing or apprehended epidemic or infectious disease of men or animals with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and [as to] the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been ordered or approved by Government with a view to prevent the disease or to check the spreading thereof;

(*l*) directing the closing or disuse wholly or for certain purposes, or limiting to certain purposes only, the use of any source, supply or receptacle of water; and providing against pollution of the same or of the water therein;

(*m*) regulating the hours during which and the manner in which any place for the disposal of the dead, any chattram, village gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(*n*) regulating the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the Magistrate, special regulations may be necessary for the public safety and convenience.

Manner of publication of such rules.

(2) Every regulation made under clause (*i*) or made under clause (*m*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages, and to the necessities of prompt disposal of the dead in certain cases. ~~The~~ rules [~~and~~], *orders* ~~and~~ *regulations* made under the several clauses of this section shall be published in one or more of the methods described below, to be determined by the Magistrate of the District with reference to the circumstances of each case :—

(*a*) by delivery of copy [of the rule or order] *thereof* to the [party] *person* concerned,

(*b*) by affixing notice of the same in such language *or languages* as may be found suitable at a conspicuous place or places in or near the building, platform, structure, street, locality, source of supply or receptacle of water, place for disposal of the dead, chattram, village gate, theatre or other place of public resort or amusement,

(*c*) by affixing such notice in the chavadi, Police station or Taluk Cutcherry or in more than one of these places,

(*d*) by publication of the same in the official Gazette, and if the Magistrate so direct, in local newspapers,

(*e*) by beat of tom-tom in such places and at such times as the Magistrate may prescribe.

Rules under clause (1) (*k*) to be reported to Government.

(3) Every rule promulgated under authority of clause (*k*) of sub-section (1) of this section shall be forthwith reported to Government and shall be in force for not more than [fifteen] *thirty* days unless extended by Government for a longer period and in such case for so long as Government directs.

(4) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Discontinuance of brothels.

[37.] *36.* On complaint being made to a Magistrate of a District or of a Sub-Division that any house in a town or village in his district or sub-division to which the Government has by notification extended this section is used as a common brothel or lodging-house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period which shall be set forth in the order, to discontinue such use of it.

District Magistrate, etc., may authorise Police officer to enter common gaming-house.

[38.] *37.* If the Magistrate of the District or a First Class Magistrate or the District Superintendent of Police has reason to believe that any building, enclosure, room [or] place *or vehicle* [in any town or village,] is used as a common gaming-house, he may, either himself enter or by his warrant give authority to any Police officer

above the rank of a constable to enter with such assistance as may be found necessary, by night or by day and by force, if necessary, any such building, enclosure, room [or] place *or Vehicle* and to arrest all persons found therein, and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gambling, which are found therein, and to search all parts of such building, enclosure, room or place and also the persons found therein. Vehicle

Issue of orders by Magistrates for prevention of disorder.

[39.] *38.* (1) The Magistrate of the District, or in his absence and subject to his order, any Magistrate of the First Class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, ~~*for reasons which he shall record*~~, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the carrying, collection and preparation [s] of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, playing of music, delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law, or of a lawful authority.

Orders by subordinate Magistrate to be communicated to District Magistrate.

(2) An order made under this section by a subordinate Magistrate shall be forthwith communicated to the Magistrate of the District, who shall thereupon confirm, cancel or modify the same as shall seem expedient ~~*stating his reasons therefor*~~.

Issue of orders by Magistrate ~~of the District~~ for prevention of riot or grave disturbance of peace.

[40.] *39.* In order to prevent an impending or apprehended riot or grave disturbance of the peace, the Magistrate of the District, or, in his absence and subject to his control, any Magistrate of the First Class having local jurisdiction, ~~*subject to the control of the District Magistrate*~~, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him.

Issue of orders by Magistrate of District for maintenance of order at religious ceremonials, etc.

[41.] *40.* (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition, or organized assemblage, in any street, as to which, or the conduct of or the participation in which, it

shall appear to the Magistrate of the District that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Orders to be subject to decrees, etc., of Courts.

(2) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Magistrate of the District that such order is inconsistent with any judgment, decree, injunction or order of such Court.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, etc.

[42.] *41.* (1) Whenever it shall appear to the Magistrate of a District, that any place in the district at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may, by [~~Police~~ notice] prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom, as he shall deem necessary to prevent the outbreak [of such disease] or the spread [thereof] *of such disease*

Levy of fees in such cases.

(2) It shall be lawful for the Magistrate of the District, subject to the orders of the Government, to assess and levy such reasonable fees on persons [falling under the provisions of sub-section (1)] *repairing to such place* as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

Recovery of expenses from municipalities.

(3) When the place of assemblage is within the limits of a municipality such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality.

Dispersal of gangs and bodies of persons.

[43.] *42.* Whenever it shall appear to the Magistrate of a District or to any Sub-Divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or to create reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself to such place by such route as such Magistrate shall prescribe.

Sec 49

Neither Magistrate [redacted] ~~and Magistrate~~, 1st class Magistrate, or ~~and~~ any ~~any Magistrate~~ may within the local limits of their respective jurisdictions regulate & control the route of processions & the conduct of all assemblies and processions, ~~the~~ the route by which, the order in which & the hours during which, ~~the~~ such processions may pass; the playing of music &c

~~Any~~ from orders passed by an Magistrate an appeal shall lie to the 1st class Magistrate having local jurisdiction; from orders passed by a 1st class Magistrate an appeal lie shall lie to the Sessions Magistrate; and from any order passed by a Sessions Magistrate an appeal shall lie to Govt.

Police to provide against disorder, etc., at public places of amusement and public meetings.

[44.] *43.* (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of *the* highest rank superior to that of constable, present in the town or village where such place of amusement is situate or such assembly or meeting is to be held, may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(2) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

Issue of licenses for the conduct of processions.

[45.] *44.* (*1*) *It shall be lawful for the City Magistrates in Bangalore and Mysore and for the Amildars elsewhere and also for any other officers specially authorised by Government, to issue licenses for the conduct of processions, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or along a street within their respective jurisdictions.*

Appeal against the orders granting or refusing such licenses.

(2) *An appeal shall lie to the District Magistrate from an order granting or refusing a license under sub-section (1) and a further appeal to Government.*

Police to regulate assemblies, etc., in public streets.

[1] (1) Any officer of Police not below the grade of an Inspector may, subject to any rule or order which may at any time be legally made by any Magistrate, or other authority duly empowered in this behalf—

(*a*) make rules for and direct the conduct of and behaviour or action of persons constituting assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which the same may pass; [~~and issue licenses therefor;~~]

[(*b*) regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street;]

[(*c*)] (*b*) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under Sections [36 to 43] *35 to 42* ~~of this regulation.~~

Manner of publication of such rules and orders.

[(2)] (*4*) Every rule and order made under *sub-section* (1) *of* this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.

Powers with regard to assemblies, etc., violating such rules or orders.

[(3)] (5) Any Magistrate or any Police officer not below the *rank of an* officer in charge of a Police station may stop any procession which violates any ~~such~~ license, rule or order, issued under this or the preceding section and may order it or any assembly, moving crowd or assemblage which violates any such license, rule or order to disperse.

Assembly violating such orders to be deemed unlawful assembly.

[(4)] (6) Any procession or assembly or moving crowd or assemblage which neglects or refuses to obey any such license, rule or order given under [the last preceding sub-section] *this section* (Sec 44) shall be deemed to be an unlawful assembly.

punishment vide Sec 68

To be omitted

Provisions as to dogs.

[46] 45 (1) The Magistrate of the District, may, by public notice, extending to such place or places within the district as shall therein be named, require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the Police may, except as is hereinafter in sub-section (2) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner claims it, provides a proper muzzle, and pays all expenses connected with such detention.

When dogs may be destroyed or sold by Police.

(2) The Police shall not destroy any dog which wears a collar bearing a known owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

How expenses may be recovered.

(3) For the expenses incurred under the preceding sub-sections the owner of the dog shall be answerable as for an arrear of land revenue.

Provision in case of dog wearing collar with owner's address.

(4) When any dog taken possession of by the Police wears a collar with the apparently genuine address of any person inscribed thereupon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address.

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

Duties of Police officer.

[47.] 46. (1) Every Police officer shall—

(*a*) promptly obey and execute every warrant or other order lawfully issued to him by competent authority; and shall by all lawful means endeavour to give effect to the commands of his superior;

(*b*) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and report such information and

take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of offences;

(*c*) to the best of his ability, prevent the commission of public nuisances;

(*d*) apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension there is sufficient reason;

(*e*) aid another Police officer when called on by him or in case of need, in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(*f*) discharge such duties as are imposed upon him by any law ~~[relating to revenue or any other law at the time in force]~~ ~~*or rule having the force of law*~~.

(2) Every Police officer may subject to the rules and orders made by Government or by a person lawfully authorized, enter for the purpose of sub-section (1) without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking shop, or shop for the sale of intoxicating drugs or a place of resort for prostitutes and disorderly persons.

Power to enter places of public resort without warrant.

(3) When in a street or place of public resort a person is suspected to be in possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to Sections 523 and 525 of the Code of Criminal Procedure or other law in force.

Power to search suspected persons in the streets.

~~[48.]~~ ~~47~~. It shall be the duty of every Police officer ——

Duties of Police officers towards the public.

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(*b*) to take prompt measures for procuring necessary help for any person under arrest or in custody, who is wounded or sick, and to have due regard to his condition whilst guarding or conducting him;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(*f*) to use his best endeavours to prevent any loss or damage by fire;

(*g*) to use his best endeavours to avert any accident or danger to the public.

~~[49.]~~ *48*. It shall be the duty of a Police officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions thereon and, to the best of his ability, to prevent the infraction of any

Police to regulate traffic, etc., in streets; and

of the provisions of this Regulation or of any rule or order made thereunder or of any other law in force for observance by the public in or near the streets;

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship;

to keep order in streets and other public place; and

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

to regulate resort to public places.

(2) All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of the said duties.

Persons bound to conform to reasonable orders of Police.

(3) A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Police officer may restrain or remove contumacious person.

[50] *49*. Whenever a notification has been duly issued under Section [39] *38* or an order has been made under Section [40] *39* or [41] *40*, it shall be lawful for any Magistrate or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification or order as aforesaid and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

Enforcement of orders issued under Section [39, 40 or 41] *38, 39* or *40*.

[51] *50*. It shall be duty of a Police officer to see that every regulation and notification made by the Magistrate of the District under Section [42] *41*, or by the Magistrate of the District or a Sub-Divisional Magistrate under Section [43] *42* is duly obeyed, to warn persons who, from ignorance, fail to obey the same, and to arrest any person who wilfully disobeys the same.

Duty of Police to see orders issued under Section [42] *41* or [43] *42* carried out.

[52] *51*. A Police officer may take charge of any cattle which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of The Cattle Trespass Act.

Police officer may take charge of stray cattle.

[53] *52*. The Police shall take charge of all unclaimed property found by or made over to them, and shall forthwith report the same to the Magistrate having local jurisdiction, who shall deal with the property as if it were property falling under Section 523 of the Criminal Procedure Code.

Duty of Police with regard to unclaimed property.

[54] 53. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any other person lawfully acting under his command or authority.

Superior Police officer may himself perform duties imposed on his inferior, etc.

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

[55.] 54. In any local area to which the Government by notification from time to time extends this section or any part thereof, whoever contrary thereto—

Punishment of certain street offences and nuisances.

(a) without lawful excuse drives along, or keeps standing in, any street a vehicle of any description at any time between three-quarters of an hour after sunset and one hour before sunrise, without a sufficient light or lights except when there is sufficient moon-light to render such light unnecessary;

driving on dark nights without light;

(b) without reasonable cause, drives, drags, or pushes any vehicle otherwise than on the near or left side of the road, or passes any vehicle except on the right side of it and at any speed higher than what may be prescribed by notification by Government;

disregarding the rule of the road;

(c) leaves in any street insufficiently tended or secured any animal or vehicle;

leaving cattle, etc., insufficiently tended;

(d) causes obstruction, injury, danger or alarm in any street, or mischief, by any misbehaviour, negligence or ill-usage in the driving, management or care of any animal or vehicle, or drives any vehicle or animal laden with timber, poles or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the District;

causing obstruction or mischief by animals;

(e) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public;

exposing animal for hire or sale, etc.;

(f) (i) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded or has to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose; or by leaving any vehicle standing or by fastening any cattle therein, or using any part of a street as a halting-place for vehicles or cattle or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time;

causing any obstruction in street;

(ii) or causes obstruction by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever contrary to any regulation made and published by the Magistrate of the District.

obstructing foot-way;

(*g*) causes obstruction on any foot-way, or drives, rides or leaves any animal or drives, drags or pushes any vehicle thereupon;

exhibiting mimetic, musical or other performances, etc.;

(*h*) exhibits, contrary to any regulation made and notified by the Magistrate of the District, any mimetic, musical or other performances of a nature to attract crowds, or carries or places bulky advertisements, pictures, figures, or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned;

gambling in street;

(*i*) assembles with others or joins any assembly ~~gathered~~ in a street [gathered] for the purpose of gaming or wagering;

doing offensive acts on or near public streets;

(*j*) (i) slaughters any animal or cleans a carcass or hide, except in some place set apart for the purpose by order of the District Magistrate or of some other person having lawful authority in that behalf;

(ii) obeys a call of nature or [permits] ~~causes~~ a child to do so, or bathes or washes his person in or near to and within sight of a street, so as to cause annoyance to the neighbouring residents or to passers-by;

letting loose horses, etc., and suffering ferocious dogs to be at large;

(*k*) negligently lets loose any horse or other animal, so as to cause danger, injury, alarm or annoyance to the public, or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal ~~in any street~~ to attack, worry or put in fear any person or animal;

bathing or washing in places not set apart for those purposes;

(*l*) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the District or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nalla or other source or means of water-supply in which such bathing or washing is forbidden by order of the Magistrate of the District or other person having lawful authority in that behalf;

defiling water in public wells, etc.;

(*m*) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or a part of a river, stream, nalla or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid;

obstructing bathers;

(*n*) obstructs or incommodes a person bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart;

(*o*) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office;

behaving indecently in public;

(*p*) is drunk and incapable of taking care of himself in a street or place of public resort;

being drunk and incapable;

(*q*) wilfully pushes, presses, hustles or obstructs any passenger in a street, or disturbs the public peace or order, by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle, or otherwise;

obstructing or annoying passengers in streets;

(*r*) uses in any street any threatening, abusive or insulting words or behaviour or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned;

misbehaviour with intent to provoke breach of peace;

(*s*) begs importunately for alms, or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street;

begging and exposing offensive ailments;

(*t*) throws or lays down any dirt, filth, rubbish, or any stones or building materials in any street, or causes any offensive matter to run from any house, factory, dungheap, or the like, into any street;

throwing dirt into the street;

(*u*) neglects to fence in or duly to protect any well, tank, or other dangerous place or structure;

neglecting to protect dangerous places;

(*v*) without the consent of the owner or occupier, affixes or causes to be affixed any bill, notice or other paper upon any building, wall or fence, or writes upon or defaces or marks any such building, wall or fence;

affixing bills or defacing walls;

(*w*) solicits or molests any passenger *in a street* for the purpose of prostitution;

soliciting for prostitution.

shall be punished with fine which may extend to fifty rupees, provided that imprisonment in default of payment of such fine shall not exceed eight days, notwithstanding anything contained in Section 67 of the Indian Penal Code.

[56.] *55.* (1) Whoever cruelly beats, goads, overworks, overloads, ill-treats or tortures, or causes or procures to be cruelly beaten, goaded, overworked, overloaded, ill-treated or tortured any animal, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Punishment for cruelty to animals.

(2) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than

the Second Class, unless such Magistrate be specially invested with jurisdiction for that purpose by the Government.

Penalty for refusal to serve as special Police officer.

[57.] ~~56.~~ Any person appointed a special Police officer under Section 17 who, without sufficient excuse, neglects or refuses to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, shall be punished with fine which may extend to fifty rupees.

Penalty for vexatious search, arrest, etc., by Police.

[58.] ~~57.~~ Any Police officer who,—

(*a*) without lawful authority or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place; or

(*b*) vexatiously and unnecessarily seizes the property of any person; or

(*c*) vexatiously and unnecessarily detains, searches, or arrests any person; or

(*d*) offers any unwarrantable personal violence to any person in his custody; *or*

(*e*) holds out any threat or promise not warranted by law to an accused person;

shall for every such offence be punished with imprisonment for a term not exceeding two months, or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delay in forwarding person arrested.

[59.] *58.* Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules under Section [36,] *35* or of directions under Section [49.] *48.*

[60.] ~~59.~~ Whoever—

(*a*) contravenes any rule or order made under Section [36,] *35* or

(*b*) opposes or fails to conform to any direction given by the police under Section [49] *48*, *or*

(*c*) abets the commission of any offence referred to in clause (*a*) or clause (*b*),

shall be punished with fine which may extend to fifty rupees.

Penalty for failure to comply with order under Section [37.] *36.*

[61.] *60.* Whoever fails to comply with an order made under Section [37] *36*, shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Penalty for opening, etc., common gaming-house.

[62.] *61.* (1) Whoever opens, keeps, or uses or permits to be used any common gaming house, or conducts or assists in conducting the business of any common gaming-house, or advances or furnishes money for gaming therein, shall be punished with [a] *imprisonment not exceeding three months, or with* fine not exceeding two hundred rupees, or *with* both [imprisonment not exceeding three months];

(2) whoever is found gaming or present for the purpose of gaming in a common gaming house, shall be punished with *imprisonment not exceeding one month or with* fine not exceeding one hundred rupees, [or imprisonment not exceeding one month,] or *with* both.

Penalty for being found gaming in common gaming-house.

Explanation 1.—Any cards, dice, gaming-table or cloth, board, or other instruments of gaming found in any building, enclosure, room, [or] place *or vehicle* entered, or searched, under the provisions of Section [38] *37* or on any person found therein shall be evidence that such building, enclosure, room, [or] place *or vehicle* is used as a common gaming house, and that the persons found therein were there present for the purpose of gaming although no play was actually witnessed by a Police officer or others.

Explanation 2.—It shall not be necessary, in order to convict any person keeping a common gaming-house or of being concerned in the management of any gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Explanation 3.—Any person found in any common gaming-house, during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

[63.] *62.* On conviction of any person for keeping a common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by order of the Magistrate, and such Magistrate may order all *moneys, securities for money*, or any of the other articles seized or the proceeds thereof to be forfeited.

Instruments of gaming may be ordered to be destroyed on conviction.

[64.] *63.* Any person who shall have been concerned in gaming contrary to this Regulation, and who shall be examined as a witness before a Magistrate on a trial of any person for a breach of any of the provisions of the Regulation relating to gaming and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Regulation for anything done before that time in respect of such gaming.

Indemnification of witnesses.

[65.] *64.* Nothing in Sections [38] *37* and [62] *61* of this Regulation shall be held to apply to games of mere skill wherever played.

Saving of games of skill.

[66.] *65.* The Magistrate may award any portion, not exceeding one-half, of any fine which shall be levied under Section [62] *61* of this Regulation, and of the moneys or proceeds of articles seized and ordered to be forfeited under Section [63] *62*, to informers or Police officers who may have assisted in the detection of the offenders.

Payment of portion of fine to informer or Police.

[67.] *66.* Whoever is found setting any birds or animals to fight in any public street, place or thoroughfare or is there present aiding and abetting such public fighting of birds and animals, may be arrested by any Police officer without a warrant, and shall be punished

Penalty for setting birds and animals to fight in public street or place.

with imprisonment for a term not exceeding one month or with fine not exceeding fifty rupees [or imprisonment for a term not exceeding one month] or *with* both.

Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.

[68.] *67.* Whoever is found between sunset and sunrise—

(1) armed with any dangerous instrument with intent to commit an offence, or

(2) having his face covered, or otherwise disguised, with intent to commit an offence, or

(3) in any dwelling house or any other building, or on board any vessel or boat, without being able satisfactorily to account for his presence there, or

(4) lying or loitering in any street, or other place, being a reputed thief, and without being able to give a satisfactory account of himself, or

(5) having in his possession without lawful excuse any implement of house-breaking,

may be arrested by any Police officer without a warrant, and shall be punished with imprisonment for a term not exceeding three months.

Penalty for contravention of rules or directions under [Sections 39, 40, 41, 44, and 45.] *38, 39, 40, 43 and 44.*

[69.] *68.* Whoever—

(*a*) disobeys an order lawfully made under Section [39, 40 or 41] *38, 39 or 40,*

(*b*) opposes or fails to conform to any direction given by the Police under Section [44,] *43* or—

(*c*) opposes and disobeys any rule made or direction given [by the Police] under Section [45,] *44* or—

(*d*) contravenes any condition of a license granted under clause [s (*a*) and (*b*)] (1) of the said section, or

(*e*) abets the commission of any offence referred to in clause (*a*), (*b*), (*c*), or (*d*), *of this section,*

shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of regulation made under Section [42.] *41.*

[70.] *69.* Whoever contravenes or abets the contravention of any regulation made under Section [42] *41*, shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Penalty for contravention of direction given under Section [43.] *42.*

[71.] *70.* Whoever opposes or disobeys any direction given by a Magistrate of a District or a Sub-Divisional Magistrate under Section [43] *42*, or abets opposition to, or disobedience of any such direction, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Penalty for opposing or not complying with direction given under Section 50.

[72.] *71.* Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under Section [50] *49*, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Jurisdiction when offender is a Police officer above the rank of constable.

[73]. *72.* Offences against this Regulation when the accused person or any one of the accused persons is a Police officer above the rank of constable, shall not be cognizable by a Magistrate below the Second Class.

Prosecution for certain offences against Regulation to be at discretion of Police.

[74]. *73.* It shall not, except in obedience to a rule or order made by the Government or by the Magistrate of the District, be incumbent on the Police to prosecute for an offence punishable under Section [55, 56, 60, 61, 69, 70, or 71,] *54, 55, 59, 60, 68, 69 or 70* when such offence has not occasioned serious mischief, and has been promptly desisted from on warning given.

Prosecution for offences under other enactments not affected by Regulation.

[75]. *74.* Nothing in this Regulation shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Regulation or from being prosecuted and punished under this Regulation for an offence punishable under any other enactment: Provided that all such cases shall be subject to the provisions of Section 403 of the Code of Criminal Procedure.

CHAPTER VIII.

MISCELLANEOUS.

Disposal of rewards, etc., payable to Police officers.

[76]. *75.* All sums paid for the service of process by Police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers or are awarded to them by Magistrates *or granted by officers of Government or others* shall, except as hereinafter in this section provided, be credited to Government: Provided that, with the sanction of Government, or under any rule made by Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to Police officers or other persons.

No Municipal or other rates to be payable by Government on Police buildings.

77. [No Municipal or other local rates shall be payable by the Government on account of the occupation or use of any house or place by members of the Police force for the convenient performance of their duties.]

Power of Government to make rules.

[78]. *76.* (1) The Government may make rules consistent with this Regulation for more effectually carrying out the objects thereof and may, from time to time, repeal, alter or amend such rules.

Surveillance, etc., of criminal gangs.

(2) Such rules may, among other matters, provide for the registration, surveillance, and control of gangs or classes of persons believed to be addicted to the systematic commission of crime, and for the recording of finger-impressions by the Police of any person who—

(a) is in custody for a non-bailable offence, or

(b) has no settled abode and is suspected to be addicted to crime, or

(c) is a member of a gang or class of persons generally addicted to crime.

Publication of rules.

(3) Every rule under this section shall be published in the official Gazette in English and Kanarese, and shall come into effect [one month] *after two months* from the date of its first publication.

Penalty for breach of rules.

(4) For every breach of any such rule, the offender shall, on conviction, be punished with *imprisonment not exceeding eight days or with* fine not exceeding ten rupees, [or imprisonment not exceeding one month.]

Method of proving orders and notifications issued under Regulation.

[79]. *77.* Any order or notification published or issued by the Government or by a Magistrate or officer under any provision of this Regulation, and the due publication and issue thereof may be proved by the production of a copy thereof in the official Gazette, or of a copy thereof signed by such Magistrate or officer and by him certified to be a true copy of an original, published and issued according to the provisions of the section of this Regulation applicable thereto.

Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.

[80.] *78.* No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient for any defect of form or *in* publication or any irregularity of procedure, *unless such defect or irregularity has prejudicially affected the person concerned.*

No Magistrate or Police officer to be liable to any penalty *or* damages for act done in good faith in pursuance of duty.

[81.] *79.* (1) No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance [or intended pursuance] of any duty imposed or any authority conferred on him by any provision of this Regulation or of any rule, order or direction lawfully made or given thereunder.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(2) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by the Government, or by a person empowered in that behalf under this Regulation or any rule made under any provision thereof.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if instituted after one year.

(3) In any case of an alleged offence by a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Magistrate, Police officer or other person, by *reason of* any act done under colour or in excess of any such duty, or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted [more than] *after* one year [after] *from* the date of the act complained of.

Tender of amends.

(4) [No plaintiff shall recover in any such suit if tender of sufficient amends shal have been made before the institution of such suit, or if a sufficient sum of money shall have been paid into Court after institution thereof, by or on behalf of the defendant, and, though a decree shall be given for the plaintiff in any such suit, such plaintiff shall not have costs against the defendant, unless the Court shall certify its approbation of the suit].

Regulation not to affect any law relating to municipalities.

[82.] *80.* Nothing in this Regulation shall affect any of the provisions of any law in force relating to municipalities.

SCHEDULE A.

(*See Section 2.*)

ENACTMENTS REPEALED.

Number and year of enactment	Title or subject	Extent of repeal
V of 1861 ...	An act for the Regulation of Police (as extended to the town of Bangalore by Government of India Notifications No. 385, dated the 11th December 1866, and No. 322—I. J., dated the 19th November 1879).	The whole.
III of 1867 ...	For the punishment of public gambling and the keeping of common gaming-houses (as extended to the town of Bangalore by Government of India Notification No. 240, dated the 11th December 1867).	The whole.
1872 ...	Regular Police Rules, published under Government of India Notification No. 230 J., dated the 16th October 1872.	The whole, with the exception of the provisions prescribing diaries, books, registers, returns and reports, so far as they are not inconsistent with this Regulation or Rules framed thereunder.

SCHEDULE B.

(See Section 10.)

Form I.

FORM OF CERTIFICATE FOR INSPECTOR OF POLICE.

The seal of the Inspector-General of Police in Mysore.

*A. B.** has been appointed a Sub-inspector an Inspector in the Mysore Police Force.....and is vested with the powers, functions and privileges of a Police officer under the Mysore Police Regulation 190

Dated the.....

(*Signature*)
Inspector-General of Police.

*Particulars :—

Father's name.....
Race, religion, caste.....
Native place.....
Age.....
Length of previous service, if any .....

Form II.

Form of Certificate for Police Officer below the grade of Inspector.

Seal of the Deputy Commissioner of the District.

*A. B.** has been appointed to the Police Force, Mysore, and is vested with the powers, functions and privileges of a Police officer under the Mysore Police Regulation, 190

Dated the.....

(Signature)
Deputy Commissioner.

*Particulars :—

Father's name.....
Race, religion, caste.....
Native place.....
Age.....

G.R.S. 26]

Sec M 13 Secy of Mysore, MLC

File No. 1

Serial No. 1

Diary No. of letter replied to _____

No. 280-91
L.C. 6-07

General and Revenue Secretariat

the 190

To

Secy
Member, MLC

Date of issue 25th January 08

Signed by Mr K. Nylar Rao.

Sir,

I have the honor to forward herewith under rule 40 of the rules for the conduct of business of the Mysore Legislative Council a copy of the Report of the Select Committee appointed for the consideration of the ~~Bill~~ Police Bill together with the Bill as amended by the said Committee.

I have &c

Secy. MLC

over.

SUBJECT.

(56 No. 74)

SUPPLEMENT TO

The Mysore Gazette.

PUBLISHED BY AUTHORITY.

BANGALORE, THURSDAY, APRIL 9, 1908.

Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Council Chamber at the Public Offices, Bangalore, from Monday the 23rd to Thursday the 26th March 1908.

MONDAY, 23RD MARCH 1908. THE COUNCIL MET AT 3 P. M.

PRESENT.

V. P. MADHAVA RAO, ESQ., C.I.E., Dewan (Presiding).

Ex-officio Members.

T. ANANDA RAO, ESQ., B.A., (First Councillor).
K. P. PUTTANNA CHETTY, ESQ., (Second Councillor).

Additional Members.

Official.

RAJAKARYA PRAVINA A. RANGASWAMI IYENGAR, ESQ., B.A., B.L.
H. J. BHABHA, ESQ., M.A.
RAO BAHADUR M. MUTHANNA, ESQ.
S. NARAYANA RAO, ESQ.
M. KANTHARAJ URS, ESQ., B.A.

Non-official.

RAJAMANTRA PRAVINA C. SRINIVASIENGAR, ESQ.
V. N. NARASIMMIYENGAR, ESQ.
M. C. RANGIENGAR, ESQ., B.A.
B. NAGAPPA, ESQ., (Bar-at-law).
SYED AMIR HASSAN, ESQ.

K. MYLAR RAO, ESQ., B.A., B.L. (Secretary).

CLAUSES 11 AND 15.

PRESIDENT.—The first clause we have to deal with this afternoon is clause 11. Mr. Srinivasiengar has given notice of an amendment in regard to sub-clause (1) of this clause. He will please move it.

MR. C. SRINIVASIENGAR.—Sir, clause 11 deals with suits for village offices and for the recovery of emoluments connected therewith. It is followed by two provisos, the first being that no suit shall be entertained for a mere declaratory decree, and the next one being, as I understand it, that when the emoluments are in the shape of land, suits concerning such land are triable by the Civil Court and not by the revenue authorities. This being a distinct departure from long established practice evoked considerable discussion at the last meeting of this Council. The circumstances of the case are somewhat peculiar. Service lands, at any rate those belonging to the offices of patel and shanbhog, have been assessed fully, and in some cases more than fully, if I am not mistaken, and yet such lands have not been enfranchised, and they retain their original character with the disabilities consequent thereon, such as inalienability, indivisibility, etc. The question is thus one of no ordinary difficulty and was discussed from various standpoints on the last occasion; but a final decision of it was postponed in view to a further consideration of the point. I have since given the matter my best attention, and in the result I have framed an amendment which I have, with the permission of the President, now the honor of moving at this meeting.

My proposal is that proviso (ii) be deleted and that the following be inserted in its place:

"Where the emoluments of an office consist wholly or in part of land, and where such land has, from whatsoever cause, passed into the hands of some person other than the holder of the office, the claimant, whether holder of the office or not and under whatsoever title claiming, shall, without prejudice to the operation of the rules made under Section 23 of this Regulation, be entitled to recover the land where there has been a wrongful dispossession or wrongful withholding of possession within 12 years next preceding the institution of the suit. In no other case shall a suit for the recovery of such land be entitled to succeed.'

Service land, as the name denotes, is land attached to the office, and as such, strictly speaking, ought to be enjoyed by the person in possession of the office. But under circumstances too well-known to need special mention here, there have been cases in which offices have in olden times changed hands and so also the lands connected therewith. Alienations by sale, mortgage, gift, etc., have to some extent been made, and divisions perhaps to a larger extent. This state of affairs received a check on the introduction of the Potgi Rules and the Revenue Rules both of which, I believe, expressly declare that such lands are neither transferable nor divisible. The divorce that previously existed between the office and the land appertaining thereto thus practically ceased to exist on the introduction of these rules. At any rate if there have been any cases of violation of these rules, they could not be many. We have thus to deal with lands transferred before the introduction of these rules which may be a fairly large number, lands similarly dealt with since the coming into force of these rules which are not likely to be many, and prospective transfers which may be expected to be practically *nil*, since alienation has been expressly prohibited by Section 5 of the Regulation which we are now engaged in considering.

My remarks though chiefly directed to pateli and shanbhogi inams, may be taken to have a wider application and to extend also to lands attached to inferior service such as those of toti, talari and nirganti. Perhaps, under the latter category there have been a larger number of transfers than under the former. The Select Committee have wisely provided for the framing of rules to give effect to the prohibition contained in Section 5. So far, so good. The rules contemplated may be expected to be conceived in a liberal spirit and to be sufficiently elastic not only to check flagrant abuses, but also to meet cases of real hardship. Every alienation, every division, I do not apprehend, will be necessarily set aside as the inevitable result of those rules; and I am sure that due allowance will be made for the circumstances of each case.

If alienations and divisions are not legally permissible, no plaintiff can found his claim on the strength thereof; likewise, no defendant can set up either alienation or division as a defence to a claim against him. These are matters which have to be decided not by litigation but by decision of Government under the rules I have already alluded to. There remains a small class of cases for which provision, in my opinion, has now to be made in the body of the Regulation. These are cases of wrongful dispossession of property and cases of wrongful withholding of possession from a party who is entitled to possession. These, if made the foundation of a suit, ought, I think, to be adjudicated upon judicially. The question whether such adjudication is to be by Civil or Revenue Courts has to be considered. Here I must be excused for anticipating, because I find an amendment is going to be proposed, I presume on behalf of Government, by Mr. T. Ananda Rao, which limits suits to the hakdar's family. I beg to point out that there will be a much larger number of persons interested in such litigation; for instance, a suit may be by an officiator against a hakdar or stranger, by a hakdar against another hakdar or against an officiator, by a stranger against an officiator, or by one or more hakdars against a stranger. That is to say, the law declares that service lands cannot be alienated or divided, and therefore taking advantage of this, any person of any one of these classes may deprive any person peaceably in possession of the lands and take shelter under the provision regarding inalienability or non-partition. Suppose a stranger or a relation of the original holder is now in possession and has been so for the past twenty years. Any man whether hakdar, stranger or officiator, may by his influence take away the land from him by force, and if the Court, whether Civil or Revenue, were to confine itself to a decision of the claims only among hakdars, the man deprived of possession so long held by him will be absolutely without a remedy. If he goes to the Civil Court, his claim in respect of service lands cannot be maintained there in the absence of a legal provision authorising its entertainment. In this Regulation, it is proposed to throw the doors of the Court open only to hakdars. How then, can persons who do not come under this class obtain possession of the land or any redress? These are cases which have to be provided for now, and in fact, if I am not mistaken, although all the cases which I have hypothetically put may not arise, some cases have arisen and others may arise, and I see no reason why we should not deal comprehensively with the question and say whatever may be the title and whoever the person may be, if he is in possession and if such possession is wrongfully disturbed, or if a man is entitled to possession and is refused possession, he can obtain relief by resort to the Revenue Court under this Regulation; so, the Government amendment, which is circumscribed in its operation, has to be enlarged; not only should it be enlarged, but in accordance with long existing practice, which I see no sufficient reason for now disturbing, such suits must be made cognisable by Revenue Courts. The idea of vesting Civil Courts with this jurisdiction is in the first place opposed to the spirit of the Land Revenue Code. Of course, the words "against Government" which have been used in Section 221(*a*) of that Code have in the past given a great deal of trouble to those who have had to deal with that section. I do not think that either the insertion or the omission of those words was designedly made. At any rate, Government have always held that all claims of the kind mentioned in Section 221 are cognisable exclusively by revenue authorities and that such cases cannot be taken cognisance of by a Civil Court. I speak subject to correction (and my lawyer friends will here tell me if I am wrong), then I say that our Civil Courts too have held that such cases are not cognisable by them.

Then again, as I said, if there has been a direct violation of the rule, and on the strength of any alienation or partition any man comes to a Court, Revenue or Civil, and asks for a decree, he must be non-suited of course; when possession actually held is threatened for the first time, he ought to be given relief. In such cases, my opinion is that Civil Courts ought not for the first time now to be given this jurisdiction. There is no call for it; there has been no complaint in the past, and what apparently is for the benefit of the parties concerned is not really so on account of the inconvenience, delay and cost attending such litigation. I do not mean any disparagement to Civil Courts. But as a matter of fact, such cases can be more expeditiously and at less cost disposed of by revenue authorities than by Civil Courts. I have exercised my mind over every possible case in which relief may reasonably be required in respect of official land, and it seems to me, barring

invalid alienation, these are the only cases which require relief; and even here, Government will naturally deal leniently and liberally with people who have long held possession and whose possession has been judicially upheld. Under the circumstances, the two amendments, the one I have now put before the Council, and the other to follow, clash with each other and, as I said, the latter amendment is not likely to comprise all cases which may have to be dealt with. Then again, there is the question of limitation. Under the ordinary law of limitation, when there is land involved and when possession of it is sought to be recovered, the time allowed is 12 years. I do not see why the same time should not apply to cases of land under this Regulation and why there should be any curtailment at all. In the amendment that is to come, I do not see any mention made of the time, but I believe that the period meant is three years. But considering that it is land that forms the subject of litigation, it is much too short in my opinion. Then again, if it is conceded, as I believe it will be, that all alienations and partitions opposed to the terms of the Regulation cannot be dealt with in the Regulation itself, but must form the subject matter of rules, is the Civil Court decree to be made contingent upon rules to be framed? Of course, I may be told, my argument will apply also to revenue authorities; but I submit that the cases are not precisely similar. In my amendment which allows the entertainment of a suit, there is a distinct provision that "subject to the operation of the rules," that is to say, subject to Government exercising the right to assess, resume or deal in such other manner as they think fit, the aggrieved party may come to the Revenue Court, file a suit and obtain a decree. There is a reservation proposed to be made of a kind inappropriate to a suit in a Civil Court. Again, it does not appear whether Civil and Revenue Courts are to have concurrent jurisdiction under Mr. Ananda Rao's amendment. As I read it, it means that a party who has a grievance may go to the Civil Court. That means, if he chooses he can ask the revenue authorities for relief or he can go to a Civil Court, the option resting with him and not with the revenue authorities, because the jurisdiction of Revenue Courts in such matters is not expressly taken away. On the contrary, there is a general provision that suits regarding offices can be dealt with in Revenue Courts. Later on comes another provision debarring Civil Courts from entertaining suits except those connected with land. If it is intended that both Courts are to exercise jurisdiction, more mischief than good will come out of it. Under all these circumstances, and chiefly on the ground that practice has always been opposed to Civil Courts entertaining such cases,—parties not wishing for a change and not complaining of the existing state of things, and Revenue Courts being in a position to deal with such cases more promptly and at less cost, I appeal to Government to kindly reconsider their position and not press their amendment in opposition to mine.

Mr. Syed Amir Hassan.—I beg to second the amendment.

Mr. T. Ananda Rao.—Sir, with your permission I propose submitting to the Council a few introductory remarks before I proceed to deal with the amendments which stand in my name. I find that there are misconceptions regarding the principle of the bill even in quarters where they may be least expected. The subject is a complicated one, and I have no doubt that predilections and opinions of individual officers of Government, and even orders sometimes issued in the name of Government, have contributed to the confusion that prevails in the minds of even officials, both as regards the nature of the Potgi or remuneration fixed for the patel and shanbhog, and as to the character of the service inam lands attached to these two offices, and the limitations under which the right with regard to them is to be exercised.

Some patient research into the past history of the question and dispassionate consideration of the different opinions expressed by different authorities are necessary before a clear idea can be formed of the real nature of the points involved. The issues will be only obscured and the subject further complicated, if we import into the controversy considerations purely of a sentimental character. The attempt made in some newspapers to show that some among us are in favor of maintaining the hereditary principle and that some others are altogether against it, will not advance the correct solution of the questions that arise in the course of the progress of this bill through the Council. In fact there has been no such antagonism as is proposed to be set up. Now as ever before, since the days of the British Commission,

the endeavour has been to maintain and preserve the hereditary character of these offices and the lands attached to them. A few years after the Rendition, the Government of His Highness the Maharaja even went to the extent of attempting to do away with remuneration in cash for the offices of patel and shanbhog, and substituting assignment of land in its place. This was found to be impracticable and was abandoned. Later on, proposals were made for enfranchising the lands attached to the service of patel and shanbhog, and thereby removing apparent anomalies and uncertainties as regards the nature of the tenure of these lands. But these proposals also were abandoned as they were found to be detrimental to maintaining the hereditary character of the service lands. In the amendments which I am about to propose, the Council will find that every endeavour has been made to emphasize the hereditary character of the service inam lands attached to the office of patel and shanbhog, and to retain the lands in the possession of the hereditary families. Far from subverting the hereditary principle, the amendments are calculated to emphasize and reaffirm it. This is especially so in regard to proviso ii to sub-clause (1) of clause 11 as it stood in the original bill, and also clause 15 which would, if retained, work to the detriment of the hereditary principle. I hope when you have duly considered the amendments you will find that the alleged antagonism in respect of the maintenance of the hereditary character of these village offices has no foundation in fact.

With these preliminary remarks, I shall proceed to deal with the several clauses seriatim.

My proposals with regard to clause 11 are two-fold. In the first place, I wish to ask the Council to amend the clause as it stands. This is amendment No. 1 in the list which stands in my name. In the second place, I wish to propose to the Council to insert a new clause which I call 11 A for the present. This comes later on in the list. I will now dwell only on the former. Of that amendment the omission of the proviso No. ii is the main part. The rest is only consequential.

This proviso No. ii is a reproduction of the corresponding provision in Section 13 of the Madras Hereditary Village Offices Act iii of 1895 and is unsuited to Mysore. In Madras, all Village Service lands (*Maniam* or Inam lands as they are called in the vernacular) have been enfranchised. In Mysore, they have not been enfranchised, and the general sentiment is against such enfranchisement. And I may add that attempts made in that behalf once or twice in the past were ultimately abandoned.

Under the system of regulating the remuneration of village servants in Mysore, a question of the kind referred to in the proviso (ii) under notice cannot arise. In the case of the minor village servants—toti, talari and nirganti, the land goes with the office to which are also attached the perquisites in kind payable by raiyats and others under the designation of *Aya* or *Miras*. Revenue Officers deal with disputes relating to these lands and to these perquisites. Civil Courts have now no jurisdiction over them. They have not exercised jurisdiction, and it is not the wish or intention of Government to confer such jurisdiction.

Nor can a question of the kind referred to arise as regards the higher offices of shanbhog and patel. The reason is that the *Maniam* lands connected with those offices form no part of the remuneration of the officiator. This may sound somewhat of a paradox to some of my hearers, but a study of the rules relating to the remuneration of patels and shanbhogs, commonly called the Potgi Rules, will enable gentlemen to understand the exact position. Neither am I the expert nor is this the occasion to explain those rules in full detail, particularly as they are rules the greater part of which are worked by the Revenue Settlement Department and not by the Revenue Executive, who concern themselves only with the results. But, I may here submit a few remarks which may facilitate the understanding of those rules and their main features.

The Potgi Rules were first issued under Notification dated 27th October 1874. They were altered by Notification dated 31st August 1900. These alterations necessitated a re-numbering of the rules. Thus re-numbered, the rules were issued under Notification dated 2nd June 1903. The Revenue Manual now in force was issued in 1901. The Potgi Rules there printed are thus, so far as their numbering goes, not in accord with the rules as they stand at present. Now, the key, if I may so call it, of the Potgi Settlement is contained in Rule which is No. XXVIII in the Revenue Manual and No. XXVI in the orders now current. Unfortunately for those who have to study the subject afresh or to refresh their memory of studies in former

days, there is a small but serious error in the rule as printed in the Revenue Manual and in the Notifications both of 1874 and 1903, and this error has been the cause of much misunderstanding. As they stand, the opening words are "the official land under the settlement prescribed in the foregoing Rule." The word 'Rule' is printed in the singular number. It ought to have been in the plural number. Taken in the singular, the meaning would be that it is only the *maniam* land the relinquishment of which has been accepted under the preceding rule, that would form no part of the officiator's remuneration. Taken in the plural number, the meaning would be that the entire group of *maniam* lands dealt with under the entire Potgi Rules would cease to form any part of the officiator's remuneration, directly upon the remuneration being fixed and becoming payable under the Potgi Rules. It is in the plural number that the word occurs in the original set as recommended by Col. Anderson in 1866, and taken in this sense, gentlemen will obtain the key to the position.

The entire group of official lands forms no part of the officiator's remuneration. The amount of his remuneration is fixed according to the scale prescribed in the Potgi Rules. So fixed, it holds good for a term which is now fixed at ten years at a time, after which it may be revised. It is paid in cash from the Treasury or by book adjustment if the officiator has any land revenue of his own to pay. Gentlemen would here ask, what becomes then of the official land? The answer is that its tenure is settled under certain Settlement Rules which also find a place in the Potgi Rules. This settlement is revised once in 30 years along with the revision of the general land revenue settlement of the taluk. The broad features of this settlement are that the lands are left in the possession of the members of the hereditary family who hold them at the time of the settlement. Any alienation of them having been prohibited so far back as in 1835, their possession by strangers is illegal, and the lands are liable to be resumed from such strangers. But when they are held by one or more members of the hakdar's family, possession is not disturbed. The tenure of these lands in the hands of such members is a limited tenure, limited in the sense that the profits arising from these lands up to a limit not exceeding their survey valuation are liable to be taxed by the Sirkar at revision settlements. The proceeds of the tax which, under current or future settlements, the Sirkar levies on these service inam lands, constitute in the accounts of the State some set-off against the expenditure incurred on account of the remuneration of patels and shanbhogs. The settlement of these *maniam* lands is thus distinct from the calculation and payment of the remuneration according to scale, and it is thus that the official land forms no part of the remuneration of the officiator.

In these broad features of the Potgi Rules, gentlemen will find a fair way of giving effect on the one hand to a desire that the families of patels and shanbhogs should enjoy all the prestige which attaches to land endowments, and on the other to the security of tenure which is essential for the better cultivation of these lands and their improvement by the expenditure of capital on them.

In these circumstances, proviso (ii) in clause 11 has to be expunged and this is my proposal.

MR. K. P. PUTTANNA CHETTY.—I beg to second Mr. Ananda Rao's amendment.

MR. S. NARAYANA RAO. Sir, I beg to propose that the amendment to clause 15, which Mr. Ananda Rao intends moving, be considered with the amendment moved by Mr. Srinivasiengar. The two amendments cannot be separated from each other. They form opposite sides of the same question. Mr. Ananda Rao's proposals to omit proviso (ii) altogether and as a corollary to that, to adopt the amendment to clause 15, may be taken together.

PRESIDENT. Yes; we had better do so.

MR. T. ANANDA RAO. Sir, the next proposal standing in my name is to make certain amendments in clause 15. If these amendments be adopted, the clause would read as follows:—

> "15. No Civil Court shall exercise jurisdiction in respect of any claim to succeed to, or to the possession of, any village office, or the emoluments thereof, or any question as to the rate or amount of such emoluments. But when the claim is as between different members of a hakdar's family of patel or shanbhog in respect of land entered in the Government records

or otherwise shown as service inam land connected with the office of patel or shanbhog, such claim may be entertained and adjudicated upon by a Civil Court."

The remarks which I have already addressed to the Council in regard to the Potgi Rules will have prepared the way of Hon'ble Members to my present proposal. Although the restrictions which we have already adopted in clause 5 against alienations and transfers of all sorts, are restrictions which have always existed, yet, as a result of the vicissitudes of time and circumstances attending the devolution of the offices of shanbhog and patel, we find official land wholly or partly in the hands of members of the hereditary family other than the actual worker, and this often-times with the cognizance and sufference of constituted authority. While on the one hand these are not essential for the remuneration of the officiator as already explained, vested interests have on the other hand grown and disputes regarding them arise, which a Civil Court, far better than a Revenue Court, is comptent to deal with. The idea of the superior competency of a Civil Court to deal with them is what prompted the proviso (ii) to clause 11 of the original draft of this Regulation. My proposal aims at giving effect to this idea consistently with the principles of the Potgi Rules already explained. I move that it be adopted.

MR. C. SRINIVASIENGAR.—I beg to be informed whether jurisdiction will be concurrent.

MR. T. ANANDA RAO.—Well, we say "Civil Courts *may* take cognisance." "May" there would mean "shall", as we have already been told. No doubt it is possible to retain all the various cases instanced by Mr. Srinivasiengar in the jurisdiction of the revenue Courts, but popular sentiment will be against it. But when Government does not require the land to fix the remuneration of the officiator, it is well that the case goes to the Civil Court. That is the idea underlying my proposal.

MR. K. P. PUTTANNA CHETTY.—I beg to support both the proposals of Mr. Ananda Rao.

MR. NAGAPPA.—I beg to support Mr. Ananda Rao's amendment. The amendment proposed aims at keeping the lands assigned as remuneration of a village officer in the hakdar's family. These lands were originally granted as service inam lands. These are inalienable without the sanction of Government and are not liable to process of any Civil Court (*vide* Potgi Rule XXXIV, p. 57 of the Revenue Manual).

Government were enabled to secure the services of village officers at a comparatively small remuneration by throwing open to them the prospect of getting valuable lands in the village, assigned as remuneration to them and their family. This policy of Government seems to me to be a laudable one, for it had two-fold advantages. It secured the best lands in the village for the village officer, who by proper cultivation of such lands became a respectable raiyat and thus commanded influence among the villagers and secured their confidence. It also benefited the Government as it secured his services without adequately remunerating him. This system was tried with great success. It would not be expedient or desirable to do away with the present practice by allowing such lands to be alienated to strangers and thus deprive permanently the hakdar's family of the enjoyment thereof.

The wording as it stands seems to my mind to be restricted in its operation. Suppose for instance, the claim is between one member of the family of a hakdar and a stranger; this section will not then apply. Therefore, I would ask the mover of the amendment to add the words "or between members of the family and a stranger." I do not think it is the intention of the Government to leave the land in the hands of the stranger. I think it is their intention to take it back and keep it in the hakdar's family. So, when the claim is between a member of a hakdar's family and a stranger, Civil Courts must have jurisdiction to entertain such suits. The addition of the words I have proposed would cover all the cases instanced by Mr. Srinivasiengar. With these remarks, I beg to support the amendment.

PRESIDENT.—I do not think that the case of wrongful dispossession by a stranger arises at all. Such cases will be dealt with by the rules in which we propose to lay down that service inam lands shall not pass into the hands of strangers. When the dispossession is by a member of the hakdar's family itself, such cases will be dealt with as in the amendment proposed by the First Councillor. If a stranger

is in possession, the revenue authorities will step in and recover the land and restore it to the family or otherwise deal with it.

MR. C. SRINIVASIENGAR.—What will be done if the officiator takes away the land from the hakdar?

PRESIDENT.—His case will come under the amendment proposed by the First Councillor.

MR. SRINIVASIENGAR. What is to happen in the case of *bonâ fide* disposition, such as Stridhanam?

PRESIDENT.—Clause 23 provides for the making of rules as regards the action to be taken in respect of any unauthorised alienation of the emoluments of a village office. The power to make rules in this respect was inserted for the first time by the Select Committee. In making the rules we can, I think, provide for the action to be taken in cases where the land which is associated with the service of patel or shanbhog has been alienated and is found in the hands of strangers. Will not the power given there suffice for these cases?

MR. C. SRINIVASIENGAR. But as between the parties, what is the remedy?

PRESIDENT. As against a stranger, Government steps in and restores the land to the family, and when the claim is between the members of the family, clause 15 amended as proposed by the First Councillor will apply.

Mr. C. SRINIVASIENGAR.—What is to happen when the land has been for generations past in the hands of a distant relation who has been enjoying it?

PRESIDENT. Government will decide whether they will interest themselves in the dispute.

Mr. C. SRINIVASIENGAR. Any man who has a little influence in the village can go and take forcible possession and there is no remedy for the man thus dispossessed.

PRESIDENT.—If Government think it worth their while to preserve the land as inam, the rules to be framed under sub-clause (4) of clause 23 will enable them to act.

MR. C. SRINIVASIENGAR. My contention is that there should be some provision for dealing with the man who for the first time now takes away possession of the land from another man.

PRESIDENT.—If it is a service land and a stranger has dispossessed the man in possession, he can appeal to Government, and Government will take it from the stranger under the rules to be framed under section 23, and restore it to the hakdar's family.

MR. A. RANGASWAMI IYENGAR.—In answer to Mr. Srinivasiengar, I would say that, so far as Inam lands are concerned, there can be no case in which Government is not interested. It may appear to be a dispute between two parties so far as the land itself is concerned, but Government is also interested in a way as it is service inam land. If the President will permit me, I should like to refer to all the amendments proposed and to make a statement of the law as I understand it.

Before the Potgi Rules of 1874 were framed, shanbhogs, patels and other village servants had *maniam* lands for a portion of their remuneration, and they used to receive *aya* or *miras* in addition. Even in those days, there had been alienations by parties of such *maniam* lands, and from time to time, Government used to prohibit such alienations and insist upon the alienations being cancelled and the *maniam* land restored to its original character. But in course of time, in certain cases of vested interests and long possession after alienation, Government condoned such alienation and removed the land from the category of *maniam* lands. The hardship brought to notice by Mr. Srinivasiengar, if the rule about the inalienability of *maniam* lands be enforced in such cases, will of course be recognised by Government as pointed out by the President, and the alienation may be condoned so to speak.

As regards the Potgi Rules, the learned First Councillor referred to them in their two-fold character; he said that in the case of patels and shanbhogs, the Potgi Rules did not at all recognise the possession of *maniam* lands as any part of their remuneration and that the provision as regards the inalienability of such lands should be treated as a distinct matter altogether. But I am not in favor of looking at the question in that view. The rules are somewhat inconsistent in this respect and

have to be construed in such a way as to reconcile the several provisions as far as possible. My own idea is that when the rules were framed, the fixing of the potgi was referred to only in so far as it was necessary to ascertain the amount that was payable to the shanbhog and patel as remuneration for the work done. Formerly, as I have said, shanbhogs and patels were remunerated partly by *aya* and partly by lands. The payment of *aya* was done away with and it was included in the land tax payable by the people, and in order to calculate the amount to be so included, the total remuneration which patels and shanbhogs were to receive was fixed at 3 or 4 per cent on the land revenue collections. The amount represented by the value of the *maniam* lands was allowed for. This, I think, would be a more consistent way of looking at the Potgi Rules. I would therefore say that although the remuneration of patels and shanbhogs was computed in cash, the scope and the real policy of the Potgi Rules was to recognise *maniam* lands also as part of the remuneration and to allow for the enjoyment of such lands by their survey valuation or the difference between the survey valuation and what they call jodi. So it seems to me that it would not be right to say that so far as patels and shanbhogs are concerned, the Potgi Rules did not recognise the possession of *maniam* lands as part of their remuneration. The provisions of the present bill would otherwise be somewhat inconsistent, because it recognises that shanbhogs and patels are in receipt of emoluments which are not paid in cash.

Now I come to clause 5. In this it is provided that the emoluments of village offices shall not be liable to be alienated or encumbered. Perhaps when this clause was passed, its full force was not recognised by the Council; for, if they had carried it to its legitimate extent, they would have found that every alienation of *maniam* land would be invalid, unless some provision was made by Government under the rules for which authority is taken under section 23; but even then, the rules can only be to give effect to the provisions of section 5, and they cannot be made to over-ride the express policy of the section itself. Therefore it is a question whether even Government can, as it was hitherto doing, condone cases of hardship in matters of alienation of *maniam* lands. I would therefore go back and suggest to the Council whether the absolute terms of Section 5 may not be slightly modified.

I next go to the competing amendments of proviso (ii) to clause 11, sub-clause (1). As was explained by the learned First Councillor, the proviso was borrowed from the Madras Act where *maniam* lands have been enfranchised and are not taken into consideration as emoluments of the office. It must be also remembered that there is a distinction in matters of procedure between Madras and Mysore. In the case of such lands, Civil Courts were given jurisdiction in the Madras Presidency, whereas in Mysore the policy has been to oust the jurisdiction of Civil Courts as regards service inam lands. The latest decision of the Mysore Chief Court that I could lay my hand upon was in a case which was decided in second appeal in 1904, when I happened to be one of the Judges who sat with Mr. Justice Ramachendra Iyer. In that case, a jodidar had brought a suit to recover a land from a shanbhog on the ground that it belonged to him and that the shanbhog had falsely represented that it was his service Inam. It was held by the Chief Court that although Government was not implicated, Government was interested in the *maniam* land being preserved intact; that although the dispute between the two parties was as to the identity of the *maniam* land itself, even that question was one in which Government was interested; and that therefore clause (*a*) of Section 221 of the Land Revenue Code applied and the suit was not cognizable by a Civil Court. I do not think this case has been overruled, although indirectly in another case, it was held somewhat differently. That was decided in September 1905 by a Bench consisting of Mr. Justice Staley and Mr. Justice Nanjundiah. In that case, the final decision did not rest upon the question whether the suit was cognizable by a Civil Court. Even on the merits, it was considered that the man had failed to prove that he was entitled to the land and in the course of the judgment it was held that section 221 (*a*) applies only to suits against Government. That was the point referred to by Mr. Srinivasiengar as having created much trouble. So there is some difference of opinion in the decisions of the Chief Court itself. The policy has been not to recognise the jurisdiction of Civil Courts in such cases, and the balance of opinion would on the whole I think rest with the theory that it is better to continue the existing state of things, that is to say, to hold that Revenue Courts shall have jurisdiction in all cases connected with *maniam* lands, whoever may be in possession thereof, whether one of the members of the hereditary family or a stranger.

If in any case Government thinks that it would cause hardship if the alienation were set aside, it may allow the alienation to slide over and take no notice of it. If it thinks that the alienated *maniam* land is an important one and should continue in the family and that it is undesirable to separate the *maniam* from the office, then of course it may cancel the alienation or insist upon its being cancelled. If these principles are conceded, then I think there will be no occasion for the amendment which stands against the name of Mr. Srinivasiengar. There is no necessity for any provision being made for the recovery of such lands, because Government will have power to deal with them under Section 23. I would therefore vote for the amendment proposed by Mr. Ananda Rao.

With regard to the other amendment moved by Mr. Ananda Rao in respect of clause 15, for the reasons already given, it seems to me that with the omission of proviso (ii) to sub-clause (1) of clause 11, a reference to that proviso in clause 15 may be omitted, and that it would be sufficient to say that no Civil Court shall exercise jurisdiction in respect of suits falling under clause 11. Nothing else would be required and the proviso about suits between different members of a hakdar's family would be superflous.

MR. V. N. NARASIMMIYENGAR.- In connection with the proviso (ii) to sub-clause (1) of clause 11, I had some tussle in the Select Committee with my friend the Revenue Commissioner. I wanted to change the phraseology and make the proviso more clear and understandable. I am not aware of any case in which it would be applicable in Mysore. It has been imported from Madras or Bombay. I am very much in favor of scoring it out altogether. It is very necessary to bear in mind that this Regulation applies to patels and shanbhogs and other village officers also, but the Potgi Rules refer to patels and shanbhogs only. Mr. Ananda Rao, in his amendment to clause 15, refers to patels and shanbhogs only, but we are now legislating for nirgantis, totis and talaris also. Hitherto it has been an invariable rule for Revenue Courts to entertain suits for village offices and to adjudicate upon them, the jurisdiction of Civil Courts being excluded altogether. If a dispute arises regarding a service land, Government is, of course, impliedly implicated. The tenure of the land and the service character of it have always been upheld. In that way the interference of Government would be reasonable and understandable. Revenue Courts would be competent—they have been hitherto competent,—to adjudicate upon such cases. The same officers with the same qualifications and tests man both the Revenue and Civil Courts up to the point of bifurcation, and no objection can be taken on the score of their general fitness. I would therefore altogether exclude from the jurisdiction of Civil Courts all cases regarding claims to village offices of all kinds and invest the jurisdiction over them entirely in Revenue Courts. The question was attempted to be solved in the sixties in Mr. Bowring's time. I had something to do with the matter then. As far back as 1868 or 1869, five taluks in the Chitaldrug District were settled by me and registers were prepared and it was intended to enfranchise the service lands of totis, talaries and nirganties in these taluks and assign new lands instead. In the Hiriyur Taluk, where land is poor, I had to assign 500 acres now and then in order to work up to an annual income of only Rs. 24. Assessment is sometimes so low as ½ anna per acre. The idea, however, was not carried out; only registers were prepared for all the five taluks. It is not quite right therefore to say that only good lands remained in the hands of village officers. The reverse was the case sometimes. These lands cannot be changed. The old holdings included also bad lands which could not be cultivated. I know very well that in some taluks, totis and talaris could not cultivate the service lands and so depended upon the cooked food and miras paid by the raiyats. (There has been some correspondence by the Secretary regarding this). My contention is that it is safer, better and easier to vest the jurisdiction entirely in Revenue Courts for the adjudication of all cases affecting village service inam lands.

MR. S. NARAYANA RAO.—After what has been said by the various speakers on the subject, I hesitate to say anything positively, as I have not had much to do with inam lands, but I cannot help giving expression to my thoughts in connection with this subject. As I understand the nature of these lands, it seems to me that service lands held by shanbhogs and patels are still service inams though they are not considered as part of their remuneration. It is still to some extent service inam land, the holder of the office getting the potgi determined on the revenue or jamabandi of the village in which he renders service. And though this land does not form part of the remuneration, yet it is still considered as land attached to the

service and not separated from it. To this extent it should be considered as service inam land, *viz.*, that it should remain in the possession of the family and should not go out of the family, and if necessity arises, the land might be fully assessed and the assessment taken for recoupment to Government for the potgi Government have to pay to the service holder. In this view, that it still forms part, in a certain sense, although not in every sense of the term, of the remuneration of the office holder, the questions which naturally arise are, how far the claims connected with members of the family should be left to be adjudicated by Civil Courts ; and whether all claims and disputes that may arise with reference to these lands should not lie entirely in the hands of the Revenue Officers. The question involved is one of convenience, that is, whether it would be convenient for Revenue Courts to dispose of all such claims or not. If they can conveniently dispose of them, it seems to me that Revenue Officers are the proper persons to decide them. But if they cannot conveniently devote so much time and attention and bring to bear on the questions at issue the learning and research that would be devoted by Civil Courts, and if it is necessary that these questions should be settled with judicial precision, then jurisdiction might be given to Civil Courts. In considering this aspect of the question, we have to remember that Revenue Officers are burdened with various duties. Questions that may arise with reference to these lands are questions of inheritance and partition—mostly questions between parties themselves. Then another class of disputes that may arise is between (hakdars) persons who hold a right to the office and strangers. Questions that arise between strangers and hakdars will be simple questions of lease and other contracts that may have been entered into in reference to the cultivation of the land and so forth. I do not think that a suit between shanbhogi landlord and tenant with reference to inam lands is taken away from the jurisdiction of Civil Courts. It is a question in which Government is not at all interested; it is a question which affects the possession of the land only for a year or two, at the most half a dozen years, under a lease. I am of opinion that under the existing law such a question is not taken away from the jurisdiction of a Civil Court. In suits between members of the family for division of the lands or division of the produce on the ground that they are all hakdars, the interests of Government are involved only to a small extent and the questions that may arise in such suits are more complicated than in the cases contemplated a little while ago. It seems therefore that suits regarding inheritance and partition may conveniently be referred to Civil Courts for adjudication. Alienations being prohibited by clause 5 of the present bill, any alienation to a stranger that takes place contrary to it will be illegal and Government may step in and resume the land summarily from the alienee and restore it to the office-holder. Other questions between members of the family may be safely delegated to Civil Courts. I therefore think that the amendment to clause 15 proposed by the First Councillor may be adopted and that proviso (ii) to sub-clause (1) of clause 11, may be omitted.

MR. K. P. PUTTANNA CHETTY.—With your permission, Sir, I would like to address a few words. I think there is a good deal of misapprehension in the minds of some of the learned members as to the exact meaning of the term "emoluments" as used in the bill under consideration. "Emoluments" means and includes "lands, etc., granted or continued in respect of or annexed to any village office by Government." The idea running in the minds of several of the Honourable Members seems to be that service inams of shanbhogs and patels form part of the "emoluments." It is a mistaken idea. I will read to the Council the exact rule that now obtains on the subject. This is Rule XXVIII of the Potgi Rules, which runs as follows:—

"The official land under the settlement prescribed in the foregoing rule will form no part of the remuneration of the officiator who is to be paid wholly in cash and the land will therefore remain in the possession of the sharer who may at present hold it."

If this cardinal principle is kept in mind, I think it will help us to understand exactly the drift of the provision contained in the present Bill. The service inam lands of patels and shanbhogs do not come under the term "emoluments of office," but those of toti, talari and nirganti do come, and it is to these that Section 5 applies. As regards lands assigned to shanbhogs and patels, they are governed by a different set of rules. Naturally these lands have been rendered inalienable; they are classed as service lands, but they are so only in name. A certain amount of jodi is put upon them which jodi is liable to be increased according to circumstances. This is done

by the Survey Department under a set of rules of which the Council is probably not aware. If this is borne in mind, we may well leave to Civil Courts jurisdiction over cases in which such lands form the subject matter of dispute. Whether the alienation be to a stranger, as pointed out by the President, or to other persons, Government will, if clause 5 applies to it, simply step in and resume possession of the service land and confirm it to the hakdar's family.

MR. C. SRINIVASIENGAR. I am not very clear about the meaning of the word "emoluments."

PRESIDENT.- If you will pardon my saying so, the mistake arises as pointed out by the Second Councillor in assuming that all the different kinds of emoluments enumerated in clause 4 are attached as remuneration to every village office. The whole mistake arises from that. Land, for instance, is no part of the emoluments of a patel or shanbhog, nor fees in money or agricultural produce. That has been declared in notifications of Government after the introduction of the survey settlement. Fees in money and agricultural produce have ceased to be part of the emoluments of patels and shanbhogs; but with regard to other village officers, I think that, more or less, all these various kinds of payment form part of the emoluments of the office.

MR. M. C. RANGIENGAR. If the lands do not form part of the emoluments in the case of patels and shanbhogs, why should the bill provide for disputes between hakdars being taken cognisance of by Civil Courts and reserve to Revenue Officers the right to determine disputes between hakdars and strangers? If the lands are no part of the emoluments, and pass out of the family, Government may impose full assessment. So the character of inalienability upon which a great deal has been said is determined.

PRESIDENT. - You are perfectly right. As I have previously pointed out in connection with some other clauses of the bill, there is an anomaly in Mysore procedure. In Madras, when the remuneration was fixed in cash, all the inam lands of patels and shanbhogs were enfranchised and treated as any other kind of land and were allowed to be freely disposed of. In Mysore, they wanted to reconcile the hereditary principle with the efficient discharge of the duties of the pateli and shanbhogi offices and the result is that they have been inconsistent in regard to the tenure of these lands. When these lands were subjected to a jodi, they should have been enfranchised and made the private property of the holder. But they wanted to keep these lands inalienable, because a little privilege was attached to them in the way of being exempt from enhancement of assessment or any tampering with the jodi at a revision settlement. This left a little margin of profit on these lands; and that profit Government thought would be sufficient to invest them with importance. So they said that these lands which had been in the family for generations might continue in the family and not go out of it. But practically they are enfranchised lands and are on the same footing as private lands and it seems desirable to prevent the Revenue Courts from being flooded with suits for the possession of these lands as between members of a hakdar's family. The lands were declared inalienable from a desire on the part of Government to preserve their hereditary character. The Government were not quite logical, I must admit, in their practice and their principle. As remarked by the learned First Councillor in his speech, attempts were made in 1894 and 1895 by Government to carry the principle to its logical conclusion and to declare that the lands, when the additional jodi was put upon them, were the private property of the holders thereof. Again came the idea of preserving the lands to the family as, even when fully assessed, they possessed some value, partly from having been in the family for a long time, and partly because the jodi fixed, although equal to the assessment, would not be interfered with at a revision settlement. But there is no object in ruling that suits as between members of the same family should go to the Revenue Courts; because, in the first place, these Courts are not equally competent with Civil Courts to deal with such disputes, and in the second place, Revenue Courts will be flooded with suits which should properly go to Civil Courts. It is on that account that an exception has been made and a proviso added in the First Councillor's amendment.

MR. M. C. RANGIENGAR. Has the officiator no connection with the land?

PRESIDENT. The officiator has no manner of connection with the land. If any authoritative pronouncement is required on the matter, I give it—if any authority

attaches to my opinion—that there is no manner of connection between the emoluments from land and the remuneration payable to the officiator.

MR. M. C. RANGIENGAR.—Clause 5 does not deal with the case of strangers.

MR. B. NAGAPPA.—We need not concern ourselves with strangers.

PRESIDENT.—No. Government will step in and take back the land.

MR. C. SRINIVASIENGAR.—Lands attached to pateli and shanbhogi offices are not emoluments!

PRESIDENT.—We do not say that. That will be settled in the rules.

MR. C. SRINIVASIENGAR.—Clause 5 does not deal with pateli and shanbhogi lands.

PRESIDENT.—It does.

MR. C. SRINIVASIENGAR.—If they are not emoluments of the office, they cannot come under clause 5.

PRESIDENT.—No such declaration has been made anywhere in the body of the bill.

MR. C. SRINIVASIENGAR.—This is intended for the information of the people and must be made clear. Patels and shanbhogs are directly interested in the question whether their service lands come under clause 5 or not. If they do not come under clause 5, the disqualification does not attach to them.

MR. RANGASWAMI IYENGAR.—As I said before, the Potgi Rules are somewhat inconsistent in respect of the question of emoluments. It will be better to give a consistent explanation and try to attach emoluments of land to the office rather than go upon the express wording of the Potgi Rules and say that there will be merely money remuneration. If this is not done, many shanbhogs will say that the emoluments are nothing more than what a common toti gets and that the office is worth nothing.

The original idea of attaching land to hereditary appointments was that the whole family was interested in the *hak* and was to enjoy the land. When the Government made an appointment to any office or appointed an individual to officiate for the time being, they found it hard to enforce the rule that the *maniam* land should go to the officiator alone. A violation of it was permitted on account of compassion or rather consideration for the interests of the other members of the family. I would, in the interest of making the village service important in the eyes of the people and in order to maintain its hereditary character, vote for and strongly urge the necessity of providing for *maniam* lands being inalienable, at least such of them as are now in the possession of the officiator. If it is found that the *maniam* lands do not command sufficient value or rather are not sufficiently valuable as remarked by Mr. Narasimmiyengar, the remedy ought to be the other way. Government should make up and provide other lands as *maniam* and restrict their enjoyment by making those lands the concrete emoluments of the officiator for the time being, so that the man in possession of the office may be in possession of a certain fixed quantity of immovable property so as to enhance his importance and secure his loyalty in the discharge of his duties.

PRESIDENT.—Mr. Srinivasiengar's idea is that land does not form part of the emoluments of an officiator patel or shanbhog.

MR. SRINIVASIENGAR.—Both the Councillors have now explained that it does not form part of the emoluments and so there can be no two opinions on the point. So we have either to modify the Potgi Rules by putting in suitable expressions in accordance with clause 5, or remove altogether from clause 5 the disabilities as to partition, etc.

PRESIDENT.—What we say is, "emoluments" includes "lands, etc., granted or continued in respect of or annexed to a village office by the Government," *i.e.*, the office has annexed to it lands which may be in the posssession of sharers of a hakdar's family.

MR. SRINIVASIENGAR.—Then, there is to be a difference between 'emoluments' and 'remuneration.'

PRESIDENT.—Yes. The lands are emoluments of the office; but there is a separate arrangement between Government and the office-holder. So far as remu-

neration is concerned, we give it in cash, but the lands continue attached to the office all the same. So they are an emolument of the office. They need not go to the officiator. Their profits go to the sharers in whose possession they may be.

MR. SRINIVASIENGAR.—In case Government are disposed to condone alienations, they cannot do so because such condonation is clearly against the terms of clause 5.

MR. S. NARAYANA RAO.—Am I to understand that the full assessment on service lands is not deducted from the Potgi?

PRESIDENT.—The assessment has nothing to do with Potgi.

MR. S. NARAYANA RAO.—Then the lands are separately assessed and the Potgi is fixed under a separate rule and the one is not set off against the other!

PRESIDENT.—Quite so. That being the case, what is the modification you would suggest in respect of clause 5?

MR. C. SRINIVASIENGAR.—Even Government have not taken any serious notice of alienations. When rules are framed hereafter, Government can be as strict as possible in regard to future alienations. If Government were to tie their hands as proposed in clause 5, they cannot budge an inch afterwards. Some reference to the rules hereafter to be framed is necessary in the clause, because the rules cannot form part of the enactment unless reference is made to them in the body of the bill.

MR. ANANDA RAO.—Although I do not like to be extreme but always like to be between the extremes, I should say that logically the possession of service land should be of that person who renders the service. When there is only one hakdar and no other competent man is available in the family, then, either he must serve when the Deputy Commissioner calls on him to do so or he must resign the service inam land. That is the logical meaning which attaches to the tenure of service inam. The question of the enjoyment of the service inam is inseparable from the actual service itself. The sharers who enjoy the lands belonging to the hakdar's family ought to serve Government when there is a vacancy and when the Deputy Commissioner calls on them to serve. That is the logical conclusion. Otherwise what is the meaning of service inam? It is no doubt an extreme principle, but that is the meaning of service inam.

MR. A. RANGASWAMI IYENGAR.—I am not quite convinced from the discussions that have taken place that the whole Council or the majority are disposed to entirely cancel the idea that these hereditary offices should have *maniam* lands attached to them.

MR. C. SRINIVASIENGAR.—So far as I understand, the idea seems to be to retain and not to cancel the existing *maniam* lands attached to village offices. These lands form part of the emoluments of the offices.

PRESIDENT.—I do not quite catch Mr. Rangaswami Iyengar's meaning.

MR. A. RANGASWAMI IYENGAR.—I mean that, so far as I understand, *maniam* lands are attached to hereditary offices. I went one step further and suggested that the *maniam* lands in the possession of the hakdar's family should be attached to the officiator for the time being. The mere fact that these *maniam* lands are attached to the office in the sense that some member of the family however remote should be in possession of them without reference to the performance of the duties of the office itself is not a sufficiently logical enforcement of the principle that *maniam* lands should be attached to the office. I suggest that the opinion of the Council be taken on the question that a portion of the *maniam* lands which are now attached to the office as emoluments should form the remuneration of the officiator for the time being; it should not be alienable and it should be invariably attached to the man for the time being officiating in the village office. We may leave alone whatever has already taken place. There is no practical benefit in going on subdividing and resubdividing the lands. What I say is, either we must wholly leave the lands out of account as contemplated in the potgi rules, or say that the officiator in the office should have a portion of the *maniam* lands. We do not know what portion it may be. In some cases it may be the entire portion, and in other cases it may be a portion scattered in different places. However, it will be in the interests of the hereditary service that the *maniam* lands should go with the officiator for the time being.

MR. C. SRINIVASIENGAR.—You say we need not take into consideration things

which have already taken place and that for the future suitable rules may be made by Government.

MR. A. RANGASWAMI IYENGAR.—The rules allow the lands to remain in the possession of a member of the family, however remote. Now suppose that the *maniam* lands are enjoyed by a family of hakdars which is not in possession of the office. In this case, how is the partition of the lands to be prevented or succession regulated among the members of that family?

MR. C. SRINIVASIENGAR.—They cannot partition the lands and, if they do so, Government will take such notice as may be required.

MR. RANGASWAMI IYENGAR.—Suppose the fourteenth cousin of the officiator is in possession of the *maniam* lands; when he dies, who is to be in possession of them? Are his sons to enjoy them?

PRESIDENT.—Of course, the sons enjoy them.

MR. RANGASWAMI IYENGAR.—How are they to enjoy them?

PRESIDENT.—As private property.

MR. RANGASWAMI IYENGAR.—Then, there will be no prohibition against alienation or enjoyment by others or partition.

MR. SRINIVASIENGAR.—The rules will lay down that in future *maniam* lands should not be divided or alienated.

MR. RANGASWAMI IYENGAR.—How are they to be enjoyed then?

MR. SRINIVASIENGAR.—All of them must enjoy the lands without partitioning them. The lands should remain intact.

MR. RANGASWAMI IYENGAR.—I only point out the difficulty. I think that clause 5 should be modified to a certain extent so far as alienations are concerned.

MR. NAGAPPA.—We may then say "subject to rules to be framed under Section 23, the emoluments encumbered

MR. RANGASWAMI IYENGAR.—We may insert the words "without permission of Government" after the word "whatsoever." Whether there is any use in reserving such a power, especially having regard to the policy as enunciated in this Council by the President, is quite a different matter.

MR. NARAYANA RAO.—An extreme instance which may not at all occur is this; suppose the present hakdar to a shanbhogi office does not hold the office, and all the other members of the family say that they don't want to hold the office. Will the family be permitted to retain the *maniam* lands? Suppose then Government appoint a third person to the office. Will the hakdar's family be dispossessed of the lands?

PRESIDENT.—The office has nothing to do with the lands. They have been practically enfranchised and made private property. It is from a desire to maintain the hereditary principle in regard to lands handed down from generation to generation that the lands are required to be retained in the family.

MR. NARAYANA RAO.—Is it then to be understood that the new comer is not entitled to the lands, and that there will be a complete divorce between the lands and the office?

PRESIDENT.—Yes.

MR. AMIR HASSAN.—I know of instances in which the *maniam* land is sold by Government for arrears of revenue.

PRESIDENT.—There has been much conflict in carrying out the principle. I think it is not possible to restrict the rights of sharers in the property by saying that it should be kept among themselves, and that it should not be partitioned among the members of the family in cases of succession, etc.

MR. ANANDA RAO.—Then what is the meaning of service inam?

MR. PUTTANNA CHETTY.—It is a fiction.

PRESIDENT.—We have already dealt with clause 5. If the Hon'ble Members agree, we will take up this clause after we have passed through the other clauses of the bill; and consider the suggestions made by Mr. Srinivasiengar (*viz.*, introducing in clause 5 a reference to the rules to be framed under clause 23) and by the Revenue Commissioner (*viz.*, about partition and alienation being allowed with the

permission of Government). The amendments proposed by the Senior Councillor in respect of clauses 11 and 15 appear to be suitable and to meet the requirements of the case. If the Hon'ble Members are prepared to adopt them, we will do so and proceed with the consideration of the next amendment.

MR. SRINIVASIENGAR.—That is, the omission of the proviso?

PRESIDENT.—Yes; and the understanding will be that there shall be no restriction as suggested by the Senior Councillor; that is to say, all civil rights will attach to the land, there may be partition, there may be succession, and there may be suits in regard to adoption, etc. The only thing that will not be allowed is alienation out of the family. In other words, all the incidents of regular enfranchisement will be attached to the land, but with the single limitation that it shall not be alienated out of the hakdar's family, present or past.

MR. M. C. RANGIENGAR.—I believe the property will remain in the family, and in that family it will be allowed to be alienated. It cannot be sold out of that family.

PRESIDENT. Yes. This is not an enunciation of any new principle. No innovation is attempted at this stage. I am simply declaring the existing law on the point. If the Council agrees, we shall take up this amendment later on.

MR. V. N. NARASIMMIYENGAR.—I think it refers to shanbhogs and patels and not to nirgantis, totis and talaris.

PRESIDENT.—Yes. It cannot refer to nirgantis, totis and talaris. We leave the right to the land to be contested in a Civil Court; only we say that the suit is to be between the members of the family. There will be no preferential right of one branch over another branch. But the character of the tenure of the land is not changed. That character always attaches to it. With this condition attached, namely, that it shall not pass out of the hakdar's family, we leave disputes relating to it to be decided by a Civil Court. Only in the case of patels and shanbhogs the land does not form part of the remuneration, while in the case of nirgantis, totis and talaris, it does.

MR. NARASIMMIYENGAR.—We say that service inams in the families of patels and shanbhogs are not to be partitioned, etc., but we say that they do not form part of their remuneration. What, then, is the object of this kind of prohibition?

PRESIDENT.—If we legislate on the subject, we will be interfering with the settlements now in force.

MR. SYED AMIR HASSAN.—As I said before, such lands have been fully assessed and sold from hand to hand for arrears of revenue.

PRESIDENT.—That is an administrative question which we may deal with separately and it is possible to declare that all these lands shall be treated as if they had been enfranchised. I will have selections from the records of Government published; especially now that the question has been so much agitated, it is well that the public should know the facts fully. This question had been taken up in 1894 and ultimately the Government said that they were not prepared to interfere with the existing practice.

MR. SRINIVASIENGAR.—There is a great deal to be said on both sides.

PRESIDENT.—It will be curious for you to know that it was Col. Grant who said that the present arrangement should continue.

MR. NARAYANA RAO.—I remember that this question once came up before Mr. Chentsal Rao and Mr. Thumboo Chetty for decision. The question was, when the land did not form part of the remuneration of the shanbhog, why it should not be liable to be attached and sold in execution of a decree and whether an attachment of a certain *maniam* land by the Civil Court was not valid. I believe that Mr. Chentsal Rao was for declaring the validity of the attachment and sale, but Mr. Thumboo Chetty held the opposite view. Finally the Government seems to have supported Mr. Thumboo Chetty.

MR. SRINIVASIENGAR.—The Dewan (Sir K. Sheshadri Iyer) supported Mr. Thumboo Chetty. He held in concurrence with Mr. Thumboo Chetty that the land was not liable to be attached. The Government has been throughout consistent there.

By direction of the President, the Secretary read Col. Grant's letter referred to above.

MR. ANANDA RAO.—The upshot of all these discussions was the small modification made in 1900.

The amendment of Mr. Ananda Rao to omit proviso (ii) to sub-clause (1) of clause 11 was put to the Council and was carried unanimously.

PRESIDENT.—As regards what fell from the Revenue Commissioner, it is entirely a new idea and not a declaration, as far as I can see, of any existing principle regulating the remuneration of village officers, or concerning the character of the lands attached to the offices of patel and shanbhog. The idea that such of the lands as may happen to be in the possession of the existing officiator may be recognised as part of the remuneration of the office and made inalienable from the office is a new one altogether. It may be considered as an administrative question, but it has not much bearing upon the legislation with which we are now dealing, as this legislation only declares the existing law and practice and does not propose to make any changes in them. So, with this understanding that later on we will introduce modifications in clause 5 of the bill, the amendment proposed by the 1st Councillor as regards clause 15 may be considered by the Council.

The amendment having been put to the Council was carried, the votes being 8 *for* and 4 *against*.

The verbal alterations proposed by the 1st Councillor in clause 11, sub-clause (1), *viz.*, the substitution of the word "that" for "as follows" after the word "provided" and the omission of figure (i) were adopted unanimously.

PRESIDENT.—We will now consider the amendment proposed to be moved by Mr. Srinivasiengar in respect of clause 11, sub-clause (2), namely, that the words "or in the case of a minor for registry as successor" be inserted after the words "eligible for appointment."

MR. SRINIVASIENGAR.—I withdraw this amendment.

CLAUSE 11 A.

PRESIDENT.—The next amendment is that standing against Mr. Ananda Rao's name, namely, the addition of a new clause after clause 11.

MR. ANANDA RAO.—Sir, I beg to move that the following new clause be inserted in the bill. It is as follows:—

On a complaint being preferred by a nirganti, toti or talari of non-payment of the *miras* payable under rules framed under Section 23, by any holder of land or other person from whom such contribution is due, the Amildar or the Deputy Amildar of the Taluk or Sub-Taluk shall hold a summary enquiry in the manner laid down in the Land Revenue Code, Regulation IV of 1888, and pass a decision thereon; provided that the complaint is made in the year in which such *miras* is due or in the year immediately following it."

I call it 11 A for the present to indicate its position and it can receive its proper number by and by. Without a provision of the kind which I propose, it will be necessary for the minor village servants, *viz.*, toti, talari and nirganti, to bring a regular suit in every case in which a raiyat withholds from them the *Aya* or *Miras* (as the perquisites in kind are called) due under standing orders and the custom of the country. A regular suit in such cases is equally cumbrous, expensive and unnecessary. A simple complaint, a summary enquiry and adjudication are all that are called for, and this is what the proposed clause provides for. It is very much in the terms of the existing rule and procedure as shown at page 60 of the Revenue Manual of 1901. As the perquisites would be of small value in each case, and the evidence relating to it is liable to deteriorate by time, a time limit is prescribed, so that the complaint should be made in the year in which the perquisite is due or in the year immediately following. The proposed clause is otherwise self-explanatory and I trust that it will commend itself to the Council.

MR. KANTHARAJ URS.—I beg to second this amendment.

MR. SRINIVASIENGAR.—If according to custom *miras* is due to them, then I think the amendment is all right. If the payment is due, then it can be enforced as provided in the amendment. The rules contemplated will provide for payment being made.

MR. RANGIENGAR.—Can a toti, talari or nirganti of an alienated village complain to the Amildar and recover the miras due? It will be a case between master and servant.

MR. ANANDA RAO.—That is exactly what is intended. But it won't be a suit between master and servant.

PRESIDENT.—As this point has been so prominently brought forward by Mr. Rangiengar, a note will be made of it and it will be considered at the time of framing the rules.

MR. RANGIENGAR.—Does Government contemplate fixing an institution fee on suits filed in Revenue Courts, and if so, is it to be an *ad valorem* fee?

MR. SRINIVASIENGAR.—The fee fixed for such suits is ten rupees.

MR. RANGIENGAR.—In some of the cases which I had to conduct, the Deputy Commissioner insisted upon payment of an *ad valorem* fee, where the office of shanbhog was in question.

PRESIDENT.—It is for the Revenue Commissioner to consider this question.

The amendment proposed by the First Councillor was put to the Council and was agreed to.

PRESIDENT.—The next amendment is that which relates to old clause 12 of which Mr. Nagappa has given notice.

MR. NAGAPPA.—Before taking up this amendment, there is another amendment which I withdrew last time with the permission of the Council to bring it forward when clause 11 was dealt with; I now ask that I may be permitted to move that amendment. It is as follows:—

"A certificate of heirship or a decree of a competent Civil Court shall until revoked or set aside be conclusive proof of the facts stated or determined in such certificate or decree."

MR. SRINIVASIENGAR.—I think this was considered when the question of adoption was brought forward.

MR. NAGAPPA.—There is a provision in the Land Revenue Code similar to the one I have proposed. I therefore move that an express provision may be made in this bill also.

MR. RANGIENGAR AND MR. RANGASWAMI IYENGAR.—The amendment will apply only to summary procedure. There is no summary procedure with regard to suits.

MR. NAGAPPA.—Then, I beg to withdraw this amendment.

The amendment proposed was accordingly allowed to be withdrawn.

The Council adjourned to the next day (24th March 1908).

TUESDAY, 24TH MARCH 1908.

The Council met at 3 P.M.

All present.

CLAUSE 5.

PRESIDENT.—Yesterday when we closed the proceedings, the idea was to take up clause 5 and make the necessary amendments in it. Mr. Srinivasiengar had kindly undertaken to draft them. I believe that all the members are in possession of copies of the three alternative proposals which he has suggested. Mr. Srinivasiengar will kindly explain them to the Council.

MR. C. SRINIVASIENGAR.—Sir, at yesterday's meeting of the Council, we had occasion to revert to clause 5 of the bill now before us, and it then appeared to the Council that in the absence of all reference in it to Government sanction as in the Potgi Rules and to rules under Section 23 as now contemplated, that clause would be somewhat defective and unsatisfactory. I was asked to draft an amendment on the lines of the discussion that took place here yesterday. I have accordingly prepared three alternative drafts which I will presently read to the Council.

The first alternative is:—

(1) "Insert either at the beginning of clause 5 or after the word 'whatsoever' in the 8th line of it the following words, *viz.*, 'without the sanction of Government and save as further provided by rules made under Section 23.'"

The clause with the proposed addition made would read thus :—

"Without the sanction of Government and save as further provided by rules made under Section 23, the emoluments of village offices, whether such offices be or be not hereditary, shall not be liable to be transferred, partitioned, or encumbered in any manner whatsoever, and it shall not be lawful for any Court to attach or sell such emoluments or any portion thereof."

This would be all right as far as it goes. But it is possible that there might be a misapprehension on the ground that the qualification governs the latter portion of the clause as well as the former and therefore the new words may be inserted preferably before the words "and it shall not be lawful." In this draft, *viz.*, the first alternative, are only dovetailed a few words suggested at yesterday's meeting and therefore no further explanation from me seems called for.

The second alternative is shorter and perhaps reads better. It is a reproduction of a portion of the Potgi Rule XXXIV. With the addition of the words I have just mentioned, the clause would read as follows :—

(2) "The emoluments of village offices, whether such offices be or be not hereditary, shall not be alienated or assigned to any person whatever without the sanction of Government and save as further provided by rules made under Section 23 ; nor shall they be liable to the process of any Court."

In deference to the opinions expressed yesterday by two of my learned colleagues on the other side of the table for whose long experience I have the highest respect, I have tried in my third alternative to meet their views half way, *i.e.*, as far as I could go with due regard to past history and future requirements, and consistently with the desire of one and all here to abstain from the infliction of any avoidable hardship. That draft reads as follows :—

(3) "Clause 5 to remain as it is, with the following addition :—

'Provided that

(*i*) Nothing contained in this section shall be deemed to affect transfers or partitions as between different members of a hakdar's family made, or which may hereafter be made, with the previous sanction of Government ; and

(*ii*) Other alienations effected before the coming into force of this Regulation shall be subject to the operation of the rules made by Government under Section 23.'"

Clause 5 will remain as it is. The prohibition against alienation, partition and encumbrance will remain intact and there will be added to it two provisos in the terms expressed above.

A word or two by way of explanation seems to be necessary in this connection. The first and second alternatives contemplate and provide for future alienations as well as past alienations, irrespective of the nature of the transaction and of the parties concerned, the only condition attached being Government sanction and adherence to Rules under Section 23 ; while the third alternative provides only for transfers and partitions and that too only in the case of members of the hakdar's family. The clause, as it is will hold good and therefore there will be no law authorising future alienations except such alienations between members of the hakdar's family as might be made after obtaining the previous sanction of Government.

It will be seen that the first and second alternatives are more liberal than the last one ; but, after full consideration, I am inclined to think that the circumstances of the case do not require any such liberality on the part of the Government or the legislature, and that the third alternative will meet all reasonable requirements. I would accordingly commend it to the acceptance of the Council, our chief concern being to abstain from interfering with vested or supposed vested interests and not to encourage the creation of future rights not allowed by law. If this last draft is passed, there can be no real grievance, because we shall be simply giving effect to what has been all along understood—that except in so far as the families immediately concerned go, there can be no change of lands from one party to another, the reason being that such lands are service lands and should go with the office or go to persons who are in some way connected with the office. In either case, much will be left to the rules which, I am sure, will be conceived in a liberal spirit so as to minimise interference with vested rights and interests. As regards future alienations, the draft reiterates the existing law and discountenances such alienations except to a very limited extent. So far there can be no reasonable objection to it. It is only to alienations that have already taken place—for which Government agency has been no less to blame than the parties concerned—that any indulgence has to be

shown by Government, and as I appealed to Government in another connection yesterday, I would ask that in framing rules these circumstances may be borne in mind so that no undue hardship may be inflicted upon the people concerned. The cardinal principle is that indiscriminate transfers of service lands from hakdar's families should not be allowed and that unnecessary dismemberment of such lands in the families themselves should not be encouraged, and this principle will be sufficiently complied with by the third alternative which I have now the honour of submitting for discussion at this meeting.

MR. M. KANTHARAJ URS.—I beg to second the adoption of the third alternative proposed.

MR. S. NARAYANA RAO.—From the discussion that took place, the impression left on my mind was that under the present law applicable to lands attached to the offices of toti, talari and nirganti, the person who holds the office for the time being will be entitled to be in possession of the whole land attached to the office and any arrangement made amongst the members of the family as to partitioning will not be allowed and the land will be summarily resumed and restored to the office-holder for the time being; but that with reference to the lands attached to shanbhogs' and patels' offices, partitions and divisions already effected will be left untouched and future partitions and sub-divisions will alone be prohibited. It was to meet this exposition of law that an addition to clause 5 was intended to be introduced; because, without any qualification to clause 5, it would make no difference between lands attached to the offices of toti, talari and nirganti on the one hand and lands attached to the offices of shanbhog and patel on the other. As the rules on this subject at present are rather obscure and not clearly understood, it was intended to make this point clear by adding a sub-clause to clause 5, so as to comprehend the principles applicable to these two different sets of offices. I do not know if I have made myself clear on this point. I wish to repeat once more that I distinctly understood that with reference to lands attached to toti, talari and nirganti, no separation of the lands from the office and the performer of the office for the time being will be allowed and that if it has taken place in the past, such lands will be summarily resumed and restored to the office-holder when the Government comes to know of the alienation; but with reference to shanbhogi and pateli lands, the sub-divisions made among members of the family by agreement among themselves, as to the enjoyment of different portions by different members, will be allowed to remain undisturbed, but only future sub-divisions will be prohibited. It was, I think, to comprehend these principles that a proviso was required to be added to clause 5. It seems to me that none of the three different alternatives now placed before the Council makes this distinction between the two sets of offices and that it is necessary to differentiate them.

If what I have just said be the correct principle which should guide us in legislating with reference to those lands, it seems to me that clause 5 as at present framed by the Select Committee may be allowed to remain with the addition of the following two provisos, *viz.*—

"(*i*) The lands attached to the offices of toti, talari and nirganti cannot be separated from the offices and any partition or alienation thereof will not be recognized.

(*ii*) The lands attached to the shanbhogi and pateli offices which have been already partitioned among the members of the hakdar's family will not be disturbed but further partitions or alienations from the family are prohibited."

The addition of these two provisos will meet the requirements of the case and I hope that this amendment will commend itself to the Council.

PRESIDENT.—With regard to the first alternative of Mr. C. Srinivasiengar, has any Hon'ble Member to make any remarks?

MR. C. SRINIVASIENGAR.—I request you, Sir, to first draw the attention of the Council to the last alternative. That is the one that has been seconded.

MR. B. NAGAPPA.—It will be better to consider and discuss all these amendments together.

PRESIDENT.—Yes, we may take them all together.

MR. T. ANANDA RAO.—It is difficult to divine what variety of cases may arise or what vested interests have grown out of departures from rule more or less counte-

nanced by local officers. So, it is quite possible that I do not realise the various classes of cases that would come under one or other of the alternatives. So I speak with diffidence, and that diffidence makes me fall back upon words and phrases to which I am accustomed. That is a safe principle by which to be guided. The second alternative proposed by Mr. Srinivasiengar corresponds to the rules now in force, and I would therefore second it.

MR. C. SRINIVASIENGAR.—I beg you will permit me, Sir, to withdraw alternatives 1 and 2 because I am myself diffident about them; but as regards 3, I stand on surer ground.

MR. T. ANANDA RAO.—I do not know whether that can be done now. So, being rather sceptical as to the classes of cases and not knowing them, I prefer the second alternative, because it corresponds to the existing Potgi Rules. The only possible objection is that, being a Potgi Rule which relates to patels and shanbhogs, it would cover nirganti, toti and talari offices, if it be adopted here. But I don't think that it would cause any complication and therefore I second it.

MR. B. NAGAPPA.—May I ask whether the sanction of Government is required in respect of lands attached to pateli and shanbhogi offices, which have to be partitioned or divided among the members of the hakdar's family?

MR. C. SRINIVASIENGAR.—Under the Potgi Rules, sanction is required.

MR. B. NAGAPPA.—But, in practice, it is not so. If the land is in the hakdar's family, Government does not interfere; but if in the hands of a stranger, Government will interfere.

MR. C. SRINIVASIENGAR.—It is left to Government, in administering the rules, to give or refuse sanction.

MR. B. NAGAPPA.—From what fell from the President I understood that all such lands are to be treated as private property. In practice, we see so many lands being partitioned among hakdars and no objection seems to have been taken to such partitions being effected. The hakdars enjoy the lands peaceably. That seems to have been the practice hitherto.

MR. C. SRINIVASIENGAR.—Even now the lands will not be taken away.

MR. B. NAGAPPA.—Suppose there are four brothers. Can they divide the service lands among them without the sanction of Government?

MR. C. SRINIVASIENGAR.—If, without previous sanction, the lands have been divided, Government in administering the rules will consider whether the division may be sanctioned or must be set aside.

PRESIDENT.—When land is assigned as remuneration for the office, it shall not be partitioned. In regard to patels and shanbhogs, a distinction has to be drawn between land and cash. Whatever is assigned to the officiator, that shall not be interfered with, partitioned or alienated. But these restrictions do not apply to land that does not go with the office—that was hitherto attached to the office, but is now separated from it.

MR. B. NAGAPPA.—May I take it, then, that these restrictions apply only to the service inam lands of totis, talaris and nirgantis?

PRESIDENT.—Among the matters in respect of which the bill gives power to Government to frame rules under clause 23 are, (1) the action to be taken in respect of any alienation of emoluments contrary to the provisions of clause 5 (para iv), and (2) the emoluments to be assigned to the holders of village offices and the method of assessment and payment thereof (para vii). I believe it is open to Government under the latter para to declare what the emoluments assigned to the holders of village offices are. It will be there made clear that land does not form part of the emoluments assigned to the holders of the village offices of patel and shanbhog. That being so, we have now to consider how the proviso to clause 5 should be framed. The emoluments declared to be assigned to holders of village offices have to be considered separately from the emoluments attached to these offices. Service inam land, for instance, attached to the office of patel or shanbhog would not come under the head of emoluments assigned to the holders of those village offices. So, partition and transfer of such lands may be freely allowed. The rules framed by Government will only declare that the land does not form part of the emoluments of the holder of the

office. Should we not say something in clause 5 on the lines of what the Government Advocate suggested? The expression used in clause 5 is a general one *viz.*, "emoluments." The clause as proposed to be now amended by the third alternative of Mr. Srinivasiengar would apply to lands attached to the offices of patel and shanbhog also. But the existing practice and policy in regard to these lands is to leave their partition and transfer as between members of the hakdar's family untouched and unaffected. Sanction of Government is not required for such partition or alienation between members of the hakdar's family. So I suggested to Mr. Srinivasiengar to improve the wording of the clause so as to allow partition and transfer among members of the hakdar's family in the case of lands attached to the offices of patel and shanbhog.

MR. C. SRINIVASIENGAR.—Then there is no need to make any provision at all with reference to shanbhogi and pateli lands as they will be dealt with by the rules to be framed under clause 23. We all understood that clause 5 was general and applied to all emoluments.

MR. S. NARAYANA RAO.—There is another difficulty. Though lands attached to shanbhogi and pateli offices are not strictly emoluments, yet if they are continued to be annexed to the office, they would be considered to be emoluments. I would invite your attention to the words of clause 4 defining "emoluments" and specially to the words "granted or annexed." So, though the lands may not be considered as part of the officiator's remuneration or taken into consideration in fixing his pay, salary or remuneration, yet if they continue to be annexed to the office and are not completely severed from it, they would form part of the emoluments of the office, and the term "emoluments" used in clause 5 must be taken in the same sense throughout. We cannot take the term in its full signification in construing clause 5 and use it in a restricted sense in framing rules under clause 23, para 7. In framing rules we cannot go beyond the express terms of the enactment itself by excluding land from the term remuneration or emolument.

PRESIDENT.—The object of the rule is to define what shall be the emoluments which are assigned to the holder of the office in each instance.

MR. S. NARAYANA RAO.—Then we shall be landed in another difficulty. If in the rule we say that the lands attached to the offices of patel and shanbhog are not emoluments of those offices, but yet they continue to be annexed to them (because we must say that the lands continue to be attached to the offices in order to prevent their alienations), then as long as they so continue to be attached, they would come under the definition of emoluments as laid down in clause 4.

PRESIDENT.—But they are not assigned to the holder of the office. That is the distinction drawn in the rule. As regards pateis and shanbhogs, lands are emoluments; they are attached to the offices of patels and shanbhogs. But, in the rules to be framed, we will say that lands are not emoluments assigned to the holder of the office.

MR. S. NARAYANA RAO.—Whether assigned or not assigned to the holder of the office, they come under the prohibition of clause 5. Distinction should be made between lands attached to toti, talari and nirganti offices and lands attached to pateli and shanbhogi offices.

PRESIDENT.—We make an exception in the case of lands attached to pateli and shanbhogi offices. The prohibition will hold good in the case of the lands of toti, talari and nirganti. The general clause will govern the cases of toti, talari and nirganti, but an exception will be made in the case of lands attached to the offices of patel and shanbhog and not assigned to the holder.

MR. SYED AMIR HASSAN.—If the inam land is found useless by the holder of the office of toti, talari or nirganti, can he relinquish the land?

PRESIDENT.—The question of remuneration is one between Government and the village servant.

MR. S. NARAYANA RAO.—Proviso (i), third alternative, is, "nothing contained in this section shall be deemed to affect transfers or partitions as between different members of a hakdar's family." I think a distinction should be made there between the lands of pateli and shanbhogi offices and those of toti, talari and nirganti.

PRESIDENT.—Yes, we will make the distinction in the proviso. According to

clause 5 as amended by the Select Committee, there can be no alienation of the lands even among holders.

MR. K. P. PUTTANNA CHETTY.—The lands go with the office. Why should any alienation be permitted? There ought to be none at all. The principle is to keep the lands inalienable.

MR. M. C. RANGIENGAR.—The difficulty arises in applying logical principles to an illogical set of circumstances.

MR. K. P. PUTTANNA CHETTY.—We have to legislate according to present practice and procedure.

MR. M. C. RANGIENGAR.—May I know if clause 5 is intended to have retrospective effect? If not so intended, alienations and partitions effected before this Regulation comes into force will remain unaffected by it.

PRESIDENT.—But if they have been assigned as remuneration for village offices, we will have to resume such lands.

MR. M. C. RANGIENGAR.—Then you put in force the Potgi Rules. Alienations already effected are governed by the Potgi Rules. After the passing of this Regulation, the Potgi Rules will cease to have force.

PRESIDENT.—Then we have to reproduce the Potgi Rule in this enactment.

MR. M. C. RANGIENGAR.—Then I think clause 5 will have to be recast entirely.

PRESIDENT.—But why should we not introduce in clause 5 a proviso to the following effect:—

"Provided that in the case of lands which are not assigned as emoluments to the holder of a village office under rules framed under Section 23, nothing contained in this section shall be deemed to affect transfers or partitions as between different members of a hakdar's family?"

MR. K. P. PUTTANNA CHETTY.—This will apply only in the case of patels and shanbhogs. The prohibition will be absolute in the case of all others.

PRESIDENT.—As regards alienations effected before the coming into force of this Regulation, Government have taken power under para (iv) of clause 23 to make rules as to how to deal with them. So, the second proviso in Mr. Srinivasiengar's third alternative may be omitted altogether.

MR. M. C. RANGIENGAR.—It would be better to say "declared to be assigned" in the proviso that has now been suggested. What will be done under clause 23 is more by way of declaration.

PRESIDENT.—Both with regard to lands attached to patels and shanbhogs and emoluments generally, they will be dealt with under para (iv) of clause 23, when they happen to be alienated. It is only with regard to transfers and partitions as between members of a hakdar's family of lands attached to the offices of patels and shanbhogs that we recognize the existing transfers and partitions and allow future transfers and partitions also without sanction.

MR. K. P. PUTTANNA CHETTY.—Proviso (ii) in Mr. Srinivasiengar's third alternative is not necessary. Alienations effected before the coming into force of the present Regulation will be governed by the rules then in force.

PRESIDENT.—The second proviso seems unnecessary. The first proviso with the amendment just suggested will read thus:—

"Provided that in the case of lands which are not assigned as emoluments to the holder of a village office under rules framed under Section 23, nothing contained in this section shall be deemed to affect transfers or partitions as between different members of a hakdar's family."

MR. M. C. RANGIENGAR.—Is there any object in omitting the word "encumbered" in the proviso?

PRESIDENT.—We may put in "encumbered" also. Mr. Srinivasiengar will please consider if he cannot put this as his amendment.

MR. SRINIVASIENGAR.—I beg to propose that the following proviso be added to clause 5:—

"Provided that in the case of lands which are not assigned as emoluments to the holder of a village office under rules framed under Section 23, nothing contained

in this section shall be deemed to affect transfers, partitions or encumbrances as between different members of a hakdar's family."

MR. B. NAGAPPA.—I beg to second the proposition.

The proposition was put to the Council and was carried, the votes being 11 *for* and one not voting.

CLAUSE 15.

MR. C. SRINIVASIENGAR.—With the permission of the President I would like to say a few words with regard to the amendment of clause 15 which was proposed and carried yesterday and with reference especially to Civil Courts being given jurisdiction in the cases contemplated therein.

The wording of proviso (ii) to sub clause (i) of clause 11 copied from the Madras Act having been held to be unsuitable to Mysore, I thought yesterday that some provision was to be made somewhere for the entertainment of suits. The question was what sort of suits were to be held to lie and by what Court they should be adjudicated upon; and I brought out practically a long list of cases which might possibly come before the Courts for decision and I proposed that all those cases should be handled by the Revenue Courts. Mr. Ananda Rao brought forward simultaneously another amendment in which the litigation contemplated was limited to disputes between members of a hakdar's family and it was also proposed in that amendment that Civil Courts might take cognisance of such suits. My amendment involved a number of matters, while the other involved a single matter; and the question resolved itself into what Court should deal with that matter. I do not know if the point thus narrowed was prominently brought to the notice of the Council here. At any rate, I have long been of opinion and I continue still to be of opinion that all cases relating to service land annexed to a village office should be adjudicated upon by Revenue Courts. I have not heard of any complaints of injustice, and though my lawyer friends seem to say that Civil Courts are better suited to try these cases, I really do not know how Revenue Courts are incompetent. Our revenue machinery is quite as good as our Civil Courts; evidence is taken similarly; parties and witnesses are heard; if parties wish to be heard by Advocates, this is also allowed; from an order passed by an Assistant Commissioner an appeal lies to a Deputy Commissioner; from a Deputy Commissioner's order there is an appeal to the Revenue Commissioner who is the Chief Controlling Revenue authority. Second appeals are also allowed in the case of village offices. Provision has been made for reference to Government in cases of doubt or Government of its own accord can call for records and revise the orders of subordinate officers. They can refer cases to the Chief Court. So that it will be seen that the whole machinery is complete in itself and to my mind no change is called for. I don't know if my colleagues here know of any instances in which people have greater confidence in Civil Courts than in Revenue Courts. So far as I understand, I think Revenue Courts can deal with such cases more expeditiously and with less cost and inconvenience to parties. In these circumstances, and regard being had particularly to the fact that till now there has been no reflection on Revenue Courts, I beg to urge that the transfer decided upon yesterday may be reconsidered and I earnestly hope that the Council will give its best consideration to this. There is no object to be gained by this transfer and there is no reason why the suits should not be left to be dealt with by Revenue Courts as heretofore.

As regards complex questions and intricate points of law being involved, they cannot arise any more in suits between hakdars than in other suits to the office. Revenue authorities are given power to dispose of such latter suits and when an officiator or a person who claims the office as well as the emoluments attached to the office can expect justice at the hands of Revenue Courts and when such cases do not involve points beyond the competence of such Courts to decide, I am really at a loss to know what peculiarly complicated questions might arise as between hakdars to justify the contention that such cases cannot be adequately and properly adjudicated upon by Revenue authorities and that therefore a resort to the Civil Courts is necessary.

MR. NAGAPPA.—I beg to oppose the amendment.

PRESIDENT.—No, it is not an amendment. But in view of the complexity of the question, it is as well that we consider the subject from all stand-points.

MR. C. SRINIVASIENGAR.—Messrs. Nagappa and Rangiengar have appeared before Deputy Commissioners and I do not know if they ever found that the Revenue authorities were wanting in the capacity for decision of such cases. While such is the case, I do not understand why they should particularly contend in favor of Civil Courts.

MR. NAGAPPA.—I desire for many reasons that the Civil Courts should decide these cases. In the course of the trial of these cases, complicated questions of law and fact will arise which require for their adjudication not only a thorough knowledge of the revenue law on the subject but a knowledge of general law as well; for instance, there may arise questions of limitation, adverse possession, adoption, inheritance, questions of Hindu Law, etc. The procedure that is prescribed for Revenue Courts is defective. According to Chapter XII of the Revenue Code, wherein the procedure to be adopted by Revenue Officers in the trial of suits is laid down, no provision is made for a party to demand as of right to have all the witnesses examined. There is not a single section among the sections relating to the formal enquiry which allows this right. (Cf. Sections 193, 196 and 201 of the Land Revenue Code, Regulation IV of 1888).

My point is this. The party has no right to demand the officer holding any enquiry to examine all the witnesses he produces. The witnesses may be in attendance, but it is not obligatory on the part of the Revenue Court to examine them. Neither is there any section providing for the arguments to be heard. Hence the procedure prescribed for Revenue Courts to follow is defective.

PRESIDENT.—In the first place, is there any prohibition under the existing law against pateli or shanbhogi inams forming a part of the subject of a suit in a Civil Court?

MR. SRINIVASIENGAR.—Unfortunately this apparently small but really most important matter was obscured by certain other matters at yesterday's discussion. Civil Courts try only those cases in which Government is not implicated. What we did yesterday was practically in supersession of this.

PRESIDENT.—Now, suppose a suit is brought as between the members of a hakdar's family on the ground of succession, adoption, partition or any of those civil rights, in regard to family property generally. There may be properties other than those which are connected with the village office. With regard to the bulk of the property, a party will have to seek relief in the Civil Court and for small bits in the Revenue Court.

MR. C. SRINIVASIENGAR.—Suppose a holder dies and his office becomes vacant. The land attached to the office becomes available and there is a dispute between A, B and C as to who should succeed. The succession involves not only the right to the office but also the right to the lands attached to the office together with other property left by the deceased. Here, a single suit cannot be entertained in respect of all the items. There must be a suit in the Revenue Court and also a suit in the Civil Court. For the office and land there must be a suit on the revenue side, and for other property a suit on the civil side. The same objection holds good there also.

MR. K. P. PUTTANNA CHETTY.—Government interests are concerned only in the one and not in the other.

MR. M. C. RANGIENGAR.—In the case of the office and emoluments, Government is directly interested. It is more an administrative matter, and so Government would have the case tried in the Revenue Court. But the other is purely a civil matter. The circle of litigants is limited, the nature of the contention is civil, and the property is nominally appertaining to the office.

MR. NAGAPPA.—What I submit is hitherto it is with the indulgence of the Executive Council that lawyers were allowed to conduct revenue suits. We have to obtain permission without which we cannot of right appear before the Councillors.

MR. PUTTANNA CHETTY.—Revenue Courts also require relief. They have quite enough work to do without being flooded with suits of this kind.

MR. V. N. NARASIMMIYENGAR.—I think it is rather the other way. There is the Deputy Commissioner of Mysore. I would like to know how many of such cases he has heard for the last six years. I should say not more than six or seven.

Such cases form only a minority. I very much support Mr. Srinivasiengar's proposal that such cases should rest entirely within the jurisdiction of Revenue Courts.

PRESIDENT.—When the dispute is as regards family property generally, the bulk of the property will form the subject matter of a suit before a Civil Court and for a small patch of land the parties will be compelled to go before a Revenue Court. This seems really hard. The right to the office is altogether a different matter. We may omit the amendment made in clause 15, if the members think that the innovation need not be made.

MR. NAGAPPA.—I would rather have the amendment. It is a highly desirable one and moreover it has been passed.

MR. SRINIVASIENGAR.—Only the lawyer members spoke against my suggestion. Perhaps the other members of the Council might agree with me.

PRESIDENT. What do you say, Mr. Ananda Rao?

MR. ANANDA RAO.—I think the general public opinion is that there is a great conflict of orders in the Revenue Courts. No doubt, the Revenue Officers are equally qualified with the Civil Court Officers. But it is not the merely passing of examinations, nor even in possessing a knowledge of law. It is the practice, the way of drawing up issues, etc., that will help one in such cases. These are matters which an officer in the revenue line generally forgets.

MR. SRINIVASIENGAR.—But now the offices are interchangeable.

MR. NARASIMMIYENGAR.—It is the general opinion that when you go to a Court of law, you don't get justice but you get law.

Mr. PUTTANNA CHETTY.—I hold the same opinion as I did yesterday: I think the whole trend of our recent decisions is to make pateli and shanbhogi service inam lands more and more personal and I think it is one step in that direction to invest Civil Courts with jurisdiction over certain suits in which the subject matter is service inam land.

MR. RANGASWAMI IYENGAR.—Going into the question properly would take some time of the Council. In my remarks of yesterday, I said that in construing Section 221, clause (*a*) of the Land Revenue Code, as regards suits concerning inam lands, there were cases in which although Government might not have been made a party, there might be circumstances in which they would have to be impleaded. Where Government has an interest, although not expressly referred to by either party, in such cases the suits should not be taken before a Civil Court. But to-day from what has been discussed in the Council as regards the advisability of the enjoyment of *maniam* lands by sharers of the family of patel or shanbhog, it seems to be only proper to draw a distinction between transactions having reference to the property which implicate Government and transactions which do not implicate Government either expressly or by the circumstances of the case. For instance, I would refer to two or three concrete hypothetical suits which will make my point pretty clear to the Hon'ble members.

(1) Suppose one member sues for partition of shanbhogi inam land along with other property. The provisions now passed would permit the land being partitioned. The character of the land is not denied, whether it is with A or B, with the plaintiff or defendant. The interests of Government do not suffer. Then is it necessary that Government or the Revenue Department should have the right of dealing with such a suit? That is one point.

(2) A member of the family has borrowed money on the hypothecation of the inam land from another member who wants to sue for the recovery of his money. In a case of this kind also, the character of the land is not impugned, and the interests of Government do not suffer.

(3) A third party is given a lease of the shanbhogi lands. The family members do not cultivate the lands themselves; they often lease them to third parties. A third party who has taken such a lease is not interested in saying that the land is unalienated and there is no dispute about the identity of the land. In this case, is it to the interest of Government to require the restriction that such transactions should be excluded from the jurisdiction of the Civil Courts?

In all the above cases is there any provision to decree or have we been decreeing *mesne* profits, costs, etc., when the case is tried by a Revenue Court? If Revenue Courts were to decree these, there may arise great complications in executing the

decrees. Excepting in cases as I said, where the interest of Government in the property would be risked or would be in litigation, is there any object in restricting suits to Revenue Courts? That is the way to consider the question.

In connection with this question, I would refer to another suit which I alluded to yesterday. The facts of the case are these:—Some shanbhog or patel had sued for property including the inam land and had obtained a decree, and in course of execution he went and attached the crops grown on the inam land. The defendant objected and the Munsiff allowed the objection. But the Chief Court held that as the nature of the inam was not in dispute and as the party had already dealt with it as ordinary property in the Civil Court and as the crop had already been removed from the inam land, the attachment was not bad.

Again I am afraid that in more than one suit, inam lands had been included by oversight along with other property. But, as I said already, the interests of Government require only that cases in which there is any dispute about the character of the inam land or about its identity should form the subject matter of suits filed in Revenue Courts. Other suits relating to inam lands may be left to the jurisdiction of Civil Courts.

PRESIDENT.—But in regard to the third hypothetical case put forward by you as to leases, would not the suit be cognizable by a Civil Court even as to the land annexed to the office, when the dispute is not as to the nature of the tenure?

MR. RANGASWAMI IYENGAR.—The lessee might refuse to give up the land.

PRESIDENT.—I think the explanation is very satisfactory so far. Our ideas have been made clear. Now we will proceed to the next amendment which Mr. Ananda Rao intends proposing in respect of clause 12.

CLAUSE 12.

MR. T. ANANDA RAO.—I beg to propose that the words "the file" be substituted for the word "that" in the 9th line of this clause. This is merely a verbal improvement and needs no explanation.

The amendment was agreed to by the Council.

OLD CLAUSE 12.

PRESIDENT.—The next amendment is that which Mr. Nagappa intends to propose in *re* old clause 12.

MR. B. NAGAPPA.—Sir, I beg to move that all the provisions of clause 12 of the original bill do remain intact and the following new clause be added:—

"The procedure applicable to the framing of plaints, memoranda of appeals and applications for execution of decrees or orders shall be the same for filing suits, appeals and applications under this Regulation as that prescribed in the Civil Procedure Code, subject to such rules as may be framed under Section 23."

The original clause of the draft Regulation contains a wise provision regarding the procedure to be followed. This is borrowed from the Madras Act of 1895. The Select Committee have recommended clause 13 in lieu of clause 12. There is an obvious defect in the new clause proposed. It provides that the same procedure as that prescribed for formal enquiries in the Land Revenue Code, Regulation IV of 1888, be followed in trying suits under this Regulation. Sections 201 and 202, Chapter XII of the Land Revenue Code, deal with formal enquiries. There is no provision in that chapter which enables a party to demand as of right that any person whose evidence he requires shall be examined as a witness. There is also no provision to hear arguments.

This is hardly a desirable state of things. In the interests of justice, it is necessary that a party should have full opportunity to adduce all available evidence in support of his case. I therefore propose this amendment.

In this connection I find that that there are several other amendments proposed to be moved by Mr. Ananda Rao. If the provisions applicable to the trial of Civil suits are made applicable also to revenue enquiries, then the defect would be remedied.

MR. C. SRINIVASIENGAR.—There is an amendment by Mr. Ananda Rao as regards clause 13. All that Mr. Nagappa now urges can go into that.

MR. B. NAGAPPA.—If all the rules made by the Madras Government under their Section 20 are embodied in the rules to be framed under Section 23, there will be no difficulty. These rules are well drawn up.

MR. M. C. RANGIENGAR.—Mr. Ananda Rao and myself have given notice of amendments to clause 13. The Madras Government have framed a body of rules with regard to the trial of revenue suits reproducing *verbatim* the provisions of the Civi Procedure Code. Under clause 23, which is Section 20 in the Madras Act, all those rules may be adopted.

MR. B. NAGAPPA.—I desire that the rules under clause 23 may be the same as those made by the Madras Government under Section 20 of the Madras Act of 1895. If this is done, there is no necessity for the amendment which I have proposed. They have retained the provisions of clause 12 and have made rules also.

MR. SRINIVASIENGAR. The old clause 12 is not self-contained. There are a good many gaps there. All the necessary provisions are not embodied in it.

MR. B. NAGAPPA.—If it is noted that the rules that are to be made under clause 23 would provide for what is contained in old clause 12, there is no necessity for my amendment at all. The rules to be framed should embody all the provisions contained in the Civil Procedure Code in respect of the filing of suits, appeals and applications.

PRESIDENT.—Why should the provisions of the Civil Procedure Code be reproduced here? What is the corresponding provision in the Revenue Code?

MR. RANGASWAMI IYENGAR.—In the Revenue Code it is not said that the procedure followed in the Civil Procedure Code should be followed in any particular. I was just going to say that since this Regulation is one essentially on the revenue side and since the courts to deal with cases under this Regulation will be Revenue Courts, it is desirable that the procedure and the rules applicable to enquiries should be analogous to those contained in the Land Revenue Code. If so, we need only say that the procedure will be the same as that prescribed in the Land Revenue Code. It is better to amend that Code, if necessary, rather than introduce amendments here, which are purely of a minor character. I simply want uniformity in practice.

MR. M. C. RANGIENGAR.—If the procedure prescribed in the Land Revenue Code be defective, rules may be framed under clause 23.

MR. C. SRINIVASIENGAR. The procedure laid down in the Civil Procedure Code is referred to in the Revenue Rules also.

PRESIDENT.—If Mr. Nagappa is agreeable to Mr. Ananda Rao's amendment, there is no necessity for his amendment.

MR. B. NAGAPPA.—If the amendment suggested by Mr. Ananda Rao in clause 13 be passed, I will not press my amendment.

The amendment was withdrawn by Mr. Nagappa subject to the amendment of clause 13 against Mr. Ananda Rao's name being passed.

CLAUSE 13.

MR. C. SRINIVASIENGAR.—Sir, I beg to propose that the present clause 13 be turned into sub-clause (2) and that a new sub-clause (1) be added as follows:—

"A formal or summary enquiry under this Regulation shall be deemed to be a 'judicial proceeding' within the meaning of Sections 193, 219 and 228 of the Indian Penal Code, and the office of the officer holding a formal or summary enquiry shall be deemed to be a Civil Court for the purpose of such enquiry."

In the Revenue Code also there is a similar provision, and I have copied this from that Code.

MR. S. NARAYANA RAO. By declaring the enquiry a judicial proceeding, it will be invested with greater dignity, and there is the probability of witnesses speaking the truth.

MR. B. NAGAPPA.—I may be permitted to suggest a small amendment. There is no distinction drawn in the bill between a formal and a summary enquiry. We may therefore say "all enquiries" instead of the first five words of the amendment.

MR. RANGASWAMI IYENGAR.—Instead of all these, it will be better to treat all enquiries under this Regulation as enquiries under the Land Revenue Code. The procedure therein laid down will apply to all cases mentioned in the present Regulation.

MR. C. SRINIVASIENGAR.—I am afraid that this won't suit.

MR. RANGASWAMI IYENGAR.—I think that the following may be substituted for clause 13:—

"All the provisions in the Land Revenue Code, shall apply in the case of all enquiries conducted under this Regulation."

The scope of clause 23 seems to be much misunderstood. It only provides for framing rules which the substantive provisions of the bill cannot provide for. The words "all the provisions of the Land Revenue Code" will include Section 204 which refers to the provisions of the Penal Code.

MR. B. NAGAPPA.—I think it would be better to have a different clause altogether.

MR. S. NARAYANA RAO.—A question may arise whether a particular proceeding is a judicial proceeding or not. It will be very difficult to determine it if the proposal of Mr. Rangaswami Iyengar be adopted.

PRESIDENT.—We have no formal or summary enquiries under this Regulation. So, we may say "all enquiries.

MR. C. SRINIVASIENGAR.—In the Land Revenue Code several kinds of enquiries are prescribed which we have not got in this Regulation. So I would object to Mr. Rangaswami Iyengar's amendment. I don't object to the change proposed by the President. The object is only to invest the officer with the dignity of a judicial officer.

MR. RANGIENGAR.—If it is declared that every enquiry shall be deemed to be a judicial proceeding, it would be enough.

MR. RANGASWAMI IYENGAR.—Unless we know very well the scope and object of the clause, I would follow the advice given by the First Councillor to adopt the wording of the old Regulation and not to venture on any alterations.

The amendment was passed by the Council with the substitution of "every enquiry" for "a formal or summary enquiry," the clause as passed reading as follows:—

"Every enquiry under this Regulation shall be deemed to be a 'judicial proceeding' within the meaning of sections 193, 219 and 228 of the Indian Penal Code."

MR. M. C. RANGIENGAR.—I withdraw the amendment which I have given notice of in favor of Mr. Ananda Rao's.

MR. T. ANANDA RAO.—Sir, clause 13 as it stands covers only suits filed. Provision has to be made for appeals and applications also. The intention is indeed to follow the provisions of the Land Revenue Code as far as possible in these matters. But it is desirable to relegate instructions to the rules proposed to be issued under clause 23. Indeed, clause 23 as it stands includes this in the several heads for rules therein provided for, and it is unnecessary to make a separate and special mention such as is contained in the present clause 13. I propose that it be modified so as to read as follows:—

"The procedure to be followed with regard to suits, appeals and applications under this Regulation shall be regulated by rules made by Government under section 23."

MR. M. C. RANGIENGAR.—I beg to second the proposition.

This was put to the Council and carried.

CLAUSE 14.

MR. T. ANANDA RAO.—Clause 14 as it stands provides for costs being awarded in respect of decrees and orders passed in suits. It is desirable that this should be extended to enquiries also. With this view, I propose that the words "and enquiries" be inserted after the word "suits" in the 2nd line of this clause.

MR. S. NARAYANA RAO.—I beg to second this proposition.

The amendment was passed by the Council.

CLAUSE 16, SUB-CLAUSE (1)

MR. C. SRINIVASIENGAR.—Sir, I beg to propose that the words "and from every order passed by the holder of a commission exercising any of the powers of an

Assistant Commissioner under sub-section (3) of Section (7)" be inserted after the words "Assistant Commissioner."

Last time I put in a general sub-section dealing with the procedure with regard to appeals in such cases. Mr. Rangiengar said that we should first provide for appeals being filed and then for procedure. I have thought over it and proposed the present amendment.

MR. RANGIENGAR.—I second it and in doing so, I beg to bring to the notice of the Council that a further amendment would be needed. I am sorry I did not give notice of it. Even an Amildar can fine a village servant. Have we provided for an appeal against his order?

MR. C. SRINIVASIENGAR.—This is provided for in another place.

The addition proposed by Mr. Srinivasiengar was approved by the Council.

CLAUSE 16. PROVISO TO SUB-CLAUSE (1).

MR. M. C. RANGIENGAR.—Sir, the existing rules provide for an appeal to Government against the decision of the Revenue Commissioner in appeal on a question of law. I propose that this right of appeal to Government be continued and that the proviso be amended accordingly by the addition of the following:—

"And provided further that nothing contained in this Regulation shall affect the right of appeal to Government secured under the rules relating to the Revenue Commissioner and the Executive Council."

I beg to submit that I could not give the exact description of the proceedings which provide for an appeal against the order of the Revenue Commissioner to Government. I simply said "relating to the Revenue Commissioner and the Executive Council."

MR. RANGASWAMI IYENGAR.—We have got it in Section 210 of the Land Revenue Code as amended by Regulation IV of 1906.

MR. RANGIENGAR.—I propose that the same be continued.

MR. B. NAGAPPA.—I second the proposition.

PRESIDENT.—What is the object of it?

MR. SRINIVASIENGAR.—Formerly appeals from the decisions of Deputy Commissioners used to lie to Government. In 1906, the Revenue Commissioner was constituted the Chief Controlling Revenue authority. In case the Deputy Commissioner dealt with a suit in the first instance, an appeal would lie to the Revenue Commissioner and the Revenue Commissioner's decision would ordinarily be final. But when a question of law is involved, an appeal would lie to Government. The Revenue Commissioner is now exercising the power which used to be exercised by Government formerly.

MR. RANGASWAMI IYENGAR.—The power of revision vested in Government will meet all requirements.

MR. RANGIENGAR.—Under Section 210 of the Land Revenue Code, there is no limit to the number of appeals. Sub-section (2) provides for an appeal to Government against a decision by the Revenue Commissioner while exercising his appellate authority. What is said in that section is that against the decision of one revenue officer an appeal lies to his immediate superior officer. The section contemplates a number of appeals. An appeal lies not only from the decision of the officer who exercises original jurisdiction, but an appeal lies under this section against the decision passed in appeal to that officer's immediate superior officer. That contemplates two appeals.

MR. C. SRINIVASIENGAR.—No. The section allows only one appeal. There is an exception made. If the Revenue Commissioner is the first Revenue appellate authority there can be no appeal against his decision, except on a point of law. I am afraid the amendment made in 1906 is not clearly worded.

PRESIDENT.—I think we might limit the number of appeals.

MR. SRINIVASIENGAR.—In criminal cases only one appeal is allowed, while in Civil Cases a second appeal is allowed. On the same analogy not more than two appeals may be allowed in revenue matters. But there may be revision on the second appeal.

MR. RANGIENGAR.—If it is made compulsory that Government should hear appeals, then the party will be entitled to be heard. It should not be optional to hear parties by reserving only the power of revision. There is a good deal of difference between the exercise of the powers of revision and of appeal.

MR. NAGAPPA.—It is necessary that that there should be an appeal on questions of law. Section 210 A of the Land Revenue Code provides for it and there is no reason why we should curtail that right. There is not much use in merely reserving to Government the power of revision which may or may not be exercised. As Mr. Rangiengar said, there is a great deal of difference between revision and appeal. When an appeal is preferred the party has a right to be heard.

PRESIDENT.—Will Mr. Rangiengar suggest any improvement in the wording of the amendment proposed?

MR. RANGIENGAR.—Yes. The words "Section 210 of the Land Revenue Code Regulation IV of 1888," may be substituted for the words "the rules relating to the Revenue Commissioner and the Executive Council."

MR. SRINIVASIENGAR.—As I said already, there are only two appeals, one to the regular appellate authority and another to the Chief Court and no third appeal is allowed on the civil side. On the revenue side, sub-section (2) of Section 210 of the Land Revenue Code was put in with the object that, if the Revenue Commissioner dealt with a case as the first appellate authority on questions of fact, his decision would be final; while on questions of law a further appeal would lie to Government. That being so, and since there seems no necessity whatever for more than two appeals, I am opposed to the proposed amendment. Whenever necessary, Government can call for records and correct erroneous decisions passed by subordinate revenue officers. This power of revision will, it seems to me, amply meet all requirements.

MR. RANGASWAMI IYENGAR.—I am practically of the same opinion as Mr. Srinivasiengar. I don't see the reason for holding out opportunities for preferring too many appeals. But, at the same time, in order that there may be a uniformity of procedure, the appeal clauses may be either adopted from the Land Revenue Code or those in the Land Revenue Code may be indicated in some other way, as for instance, that appeals under this Regulation shall be regulated in the same way as appeals under the Land Revenue Code.

MR. C. SRINIVASIENGAR.—The amendment is more definitely put and is clearer.

MR. RANGASWAMI IYENGAR.—Then we must introduce another section for revision.

MR. ANANDA RAO.—It is very difficult to exclude personal questions in such matters. If a right of appeal is to be provided for, as proposed by Mr. Rangiengar, that of course will increase our work. But nevertheless it would be better to adopt the amendment in the interests of justice. One good effect of this will be that justice will be better done apart from other considerations. I am therefore in favor of Mr. Rangiengar's amendment.

PRESIDENT.—Then Mr. Rangiengar's amendment may be passed as follows:—

"and provided further that nothing contained in this Regulation shall affect the right of appeal to Government under Section 210, sub-section (2), of the Mysore Land Revenue Code."

This was adopted by the Council, the votes being 7 *for*, 3 *against* and 2 not voting.

MR. C. SRINIVASIENGAR—Sir, I beg to propose that the existing proviso to sub-clause (1) be revised as follows:—

"Provided that in cases of dismissal or removal under section 7 and in suits under section 11, a second appeal from the decision on appeal of the Deputy Commissioner shall lie to the Revenue Commissioner whose decision on such appeal shall be final."

My proposal is that all village officials should be allowed the privilege of further appealing to the Revenue Commissioner. The decision of the Deputy Commissioner dealing with the case should not be conclusive, but there should be a further appeal to the Revenue Commissioner whose decision should, in all cases, be final irrespective of the official concerned. The proviso as it stands differentiates between one class

of village officials and another. My proposal is that all should have the privilege. Not that I propose to confer any new privilege. The privilege already exists, and rather than restrict it in future to a certain set of officials, I propose to extend it to the other set as well.

MR. SYED AMIR HASSAN.—I beg to second the proposal.

MR. B. NAGAPPA.—The amendment may be adopted.

The amendment was passed without opposition.

CLAUSE 16, EXPLANATION TO SUB-CLAUSE (1).

MR. C. SRINIVASIENGAR.—Sir, I beg to propose that the explanation to this sub-clause be omitted. I do not quite understand the object of this explanation. Clause 9 deals with the appointment of village officers in alienated villages. There is also clause 7 which deals with officials in alienated villages. The one is about appointment and the other about punishment; and under clause 16 "from every order passed under this Regulation . . . an appeal shall lie to the Revenue Commissioner . . . ." I do not understand why clause 9 has been singled out. An order under clause 9 is one made under this bill and as such like all other orders it is subject to appeal.

MR. RANGIENGAR.—This was added by the Select Committee. During the discussion that took place a question arose as to whether an order passed by an Assistant Commissioner or a Deputy Commissioner confirming the appointment made by the holder of an alienated village would be called strictly speaking an order. In order to place the matter beyond all doubt, this explanation was inserted. Even in the Civil Procedure Code there is a distinction made between an independent order passed and a confirming order. Where a District Judge confirms an order of the Munsiff, no appeal is allowed against the District Judge's order. But an appeal is allowed against the original order. Similarly a distinction is here made between an original order and an order which confirms that order.

MR. SRINIVASIENGAR.—Please refer to clause 7. Are they not orders in which an appeal lies? The words used there are, declaration and confirmation. The explanation is liable to lead to considerable misapprehension and naturally anybody who construes it might wish to know why this has been put in and why a similar provision does not find a place in the bill in regard to other orders.

MR. RANGIENGAR.—Because other orders are passed by Government officers.

MR. RANGASWAMI IYENGAR.—I think it was passed by the Select Committee under this impression. Although the order is confirmed by the Assistant or Deputy Commissioner, the appointment is made by the proprietor. Probably the idea was to bring the order confirming also under appeal.

MR. SRINIVASIENGAR.—If the inamdar does not make the appointment, the Deputy Commissioner himself makes it and that itself is an order.

MR. RANGASWAMI IYENGAR.—Yes. That is making the matter clearer. Under clause 9, it may be argued that it is only when the appointment is made by the Assistant or Deputy Commissioner on the failure of the proprietor to make an appointment, that an appeal might lie. But the explanation will clear up matters.

MR. SRINIVASIENGAR.—I am not very particular about my amendment being passed. But the object of the explanation is not very clear to me.

MR. RANGIENGAR.—Clause 7 deals with orders subject to confirmation *i.e.*, orders passed by Government officers themselves. Therefore this clause can have no sort of bearing upon the construction of clause 9.

MR. SRINIVASIENGAR.—Clause 9 not only deals with confirmation but with appointment as well. And this explanation refers only to a part of that clause.

MR. RANGIENGAR.—It was understood in the Select Committee that it is an order confirming the original order.

MR. NARASIMMIYENGAR.—I second Mr. Srinivasiengar's amendment.

MR. ANANDA RAO.—Whenever there is an appeal, is it an appeal against the original or confirming order?

MR. SRINIVASIENGAR.—An order confirming is the order which is appealable.

MR. ANANDA RAO.—Suppose the inamdar has made an appointment. To whom will an appeal against it lie?

MR. SRINIVASIENGAR.—To the Deputy Commissioner.

MR. RANGIENGAR.—There can be no appeal against a confirming order. It is the original order that is generally appealed against. For instance, a Munsiff makes an order for the appointment of a Receiver and sends the record to the District Judge for confirmation. The District Judge confirms the order. An appeal will lie not against the confirming order, but against the original order of the Munsiff.

MR. ANANDA RAO.—Then the order of confirmation is made as a matter of routine.

MR. RANGIENGAR.—There is no appeal provided against the order made by the proprietor.

MR. RANGASWAMI IYENGAR.—Yes. Then it is an omission. The provision as drafted means that the order confirming is the same as the original order. The object was to treat the confirming order as if it were an order passed originally. And then the Deputy Commissioner has also to confirm the original order sometimes.

PRESIDENT.—Is there no appeal after confirmation by the Deputy Commissioner?

MR. SRINIVASIENGAR.—Yes. There is.

PRESIDENT.—What is the sense of the Council about the amendment proposed?

MR. NAGAPPA.—There is no harm done in retaining the explanation. We are all agreed about the principle. The explanation only makes the meaning clear. The order referred to is appealable, and an appeal will lie to the Revenue Commissioner.

PRESIDENT.—Is the explanation necessary then?

MR. NAGAPPA.—I think it is. But it requires to be improved upon a little I shall prepare a draft of an amendment and submit it to the Council to-morrow.

The Council adjourned to the next day (25th March 1908).

WEDNESDAY, 25TH MARCH 1908

The Council met at 3 P.M.

PRESENT.—All except Mr. Kantharaj Urs.

MR. B. NAGAPPA.—Sir, in connection with the explanation to clause 16, I proposed yesterday that I would redraft it. On reconsideration I think the explanation is not necessary. Clause 16 itself contains the necessary provision and is plain enough. The sense of the Council seems to be that there should be an appeal from the order confirming the appointment. Such being the case, I do not think the explanation is necessary. I beg to second the proposal of Mr. Srinivasiengar to omit the same.

PRESIDENT.—If the Council agrees, we shall omit it.

The Council agreed to omit the explanation to clause 16.

CLAUSE 16, SUB-CLAUSE (2).

MR. C. SRINIVASIENGAR.—Sir, I beg to move that the words "and from every order passed by the holder of a Commission exercising any of the powers of an Amildar or a Deputy Amildar under sub-section (3) of Section 7" be substituted for the words "and from every order passed by a holder under sub-section (3) of Section 7." This also arises from the amendment that was made at the last sitting of the Council providing for the holders of alienated villages being authorized by commission to punish their village officers. Some holders may be entrusted with higher powers than others. In the case of those exercising higher powers, we have made provision for appeal in sub-clause (1) of this clause. The present amendment is to provide for appeals from the orders of holders of commission who exercise Amildars' powers. As I said, I had proposed that the provisions regarding appeals should apply *mutatis mutandis* to such appeals. But on a further consideration of the objection taken at

the last sitting, I am of opinion that we have to provide for appeal before laying down the procedure. I therefore propose that the amendment may be adopted. It is only the formal insertion of a few words.

MR. SYED AMIR HASSAN.—I beg to second the amendment.

MR. M. C. RANGIENGAR.—Yesterday while considering sub-clause (1) of clause 16, the amendment proposed by Mr. C. Srinivasiengar to insert the words "and from every order passed by every holder of a commission exercising any of the powers of an Assistant Commissioner under sub-section (3) of Section 7" after the words "Assistant Commissioner" in that sub-clause, was adopted. Would it not be better to insert the words "exercising the powers of an Assistant Commissioner, Amildar or Deputy Amildar" for the words "Assistant Commissioner" in that amendment?

MR. C. SRINIVASIENGAR.—The appeal in the one case lies to the Deputy Commissioner, while in the other to the Deputy Commissioner or the Assistant Commissioner.

MR. A. RANGASWAMI IYENGAR.—I have got one doubt about this amendment. I have just now been able to lay my hand on the original provision for investing the holders of inam villages with the powers of an Assistant Commissioner or an Amildar or a Deputy Amildar. If these holders of inam villages can also fine as holders, then there would be no necessity for this amendment. There was some reason for putting it in sub-clause (1), because there was no reference there to holders holding any powers at all. As it was not intended originally that they should exercise the powers of an Assistant Commissioner, they were not referred to there. But the present sub-clause (2) has the words "from every order passed by a holder under sub-clause (3)." They would include one who is invested under a Commission with the powers of an Amildar or a Deputy Amildar. Cannot the holder of a village exercise any power under this Regulation without being so empowered?

MR. C. SRINIVASIENGAR.—He can do so only under a Commission.

MR. V. N. NARASIMMIYENGAR.—A holder cannot even fine a toti without a Commission.

PRESIDENT.—What is the sense of the Council as regards this amendment?

The Council agreed to adopt it.

MR. T. ANANDA RAO.—I beg to propose that thewords "decision or" be inserted after the word "every" in the last line and the words "or Section 11 A" after the words "Section 7" in the 4th line.

These amendments are consequential on the adoption of the new clause, *viz.*, 11 A and provide for appeals from decisions passed on complaints made under that clause.

MR. C. SRINIVASIENGAR.—I second it.

PRESIDENT.—I believe the Council is agreeable to it.

This was agreed to by the Council.

CLAUSE 17.

PRESIDENT.—We come next to the amendment to clause 17, which Mr. B. Nagappa intends moving.

MR. B. NAGAPPA.—Sir, I find an amendment by Mr. Ananda Rao to the effect that this clause be omitted. I shall await the decision of the Council on that amendment.

MR. T. ANANDA RAO.—I beg to propose that the whole clause be omitted. It provides against the contingency of a case coming up in appeal before an officer who had himself dealt with it in its original stage. A provision of this kind is hardly necessary in a statute such as we are considering, as it may well be presumed that the officer concerned will not deal with the appeal but will seek the instructions of his official superior.

MR. M. C. RANGIENGAR.—If there is a provision in the bill for the transfer of cases, then there will be no necessity for such a clause; but if there is no provision for transfer, then provision will have to be made for the same. Now there is a provision in clause 12 for the transfer of suits from one Assistant Commissioner to

another. It may so happen that the Assistant Commissioner may himself become the Deputy Commissioner. As the higher authority can always be moved to transfer the appeal, as the First Councillor pointed out, there can be no possible objection to such a transfer. The High Courts are given power to transfer cases from the file of one District Judge to that of another.

MR. C. SRINIVASIENGAR.—Suppose the Revenue Commissioner happens to have been the Deputy Commissioner who passed an order; is there power expressly given to Government to hear an appeal from the Deputy Commissioner's order? Why say all this here?

PRESIDENT.—It does not appear to be necessary that such a small enactment as this should make provision for contingencies that are not likely to arise.

MR. NAGAPPA.—In that case, clause 12 may be amended slightly. In very many cases we find that the same officer who made the original order is promoted and the appeal comes before him alone for decision as the appellate authority. It is not right that such an officer should hear the appeal in such cases.

PRESIDENT.—Have you a large number of appeals of that kind? If such a thing happens, there is remedy on the revision side.

MR. B. NAGAPPA.—It is doubtful whether there is revision on questions of fact.

PRESIDENT.—Mr. Ananda Rao proposes to move an amendment to allow revision on questions of fact also. If an officer has been so wanting in discretion as to try in appeal a case which has been disposed of by himself, there cannot be a better case for Government stepping in and taking the necessary action. This is a small matter.

MR. M. C. RANGIENGAR.—But, supposing such a case happens, what is the man to do? Is he to submit the records?

PRESIDENT.—What do you do in such a case, Mr. Rangaswami Iyengar?

MR. A. RANGASWAMI IYENGAR.—If the Deputy Commissioner says that the party did not come up to him in appeal but that he has no objection to the case being disposed of by the Revenue Commissioner, it is disposed of by him. The procedure is not quite regular. The Land Revenue Code only provides that an appeal lies to the Officer's immediate superior authority.

PRESIDENT.—Can we not make the necessary provision in clause 12?

MR. K. P. PUTTANNA CHETTY.—Government have no power to hear appeals under this Regulation except on a point of law.

MR. C. SRINIVASIENGAR.—If the Revenue Commissioner can call for the record of any enquiry or any proceeding held by such officer, is not the provision sufficiently comprehensive?

MR. M. C. RANGIENGAR.—It will be sufficiently comprehensive if pending cases are also included. Otherwise, it will apply only to such cases as have been decided.

MR. C. SRINIVASIENGAR.—If you retain the clause, you have also to provide for the Revenue Commissioner sending up cases to Government.

MR. B. NAGAPPA.—There is no harm in retaining the clause.

MR. T. ANANDA RAO.—Then, I beg to withdraw my amendment.

Mr. Ananda Rao was allowed to withdraw his amendment.

MR. B. NAGAPPA.—Sir, I beg to move that the following proviso be added after the word "final" in clause 17:—

"and provided that in respect of the offices of patel and shanbhog a second appeal shall lie to the Revenue Commissioner against the decision on appeal of the Deputy Commissioner."

Suppose the Deputy Commissioner passes an order in this case. As the wording stands, the order passed on appeal will be final. There will be no second appeal to the Revenue Commissioner as is provided for in clause 16. I believe it is necessary to insert the words proposed. It secures to the appellant the right given under the other section.

MR. C. SRINIVASIENGAR.—We cannot very well stop with the Revenue Commissioner. We may leave the Revenue Commissioner altogether. We may say

"higher authority." It will include the Revenue Commissioner making a reference to Government.

MR. S. NARAYANA RAO.—That will be a better provision.

After further discussion, it was resolved to amend the clause as follows:—

"17. If the officer to whom an appeal is presented under this Regulation happens to be the officer who in another capacity passed the decision which is appealed against he shall report the fact to the authority to whom an appeal from his decision would lie, and such authority shall dispose of the appeal in accordance with law."

CLAUSES 18 and 19.

MR. T. ANANDA RAO.—Clauses 18 and 19 are what may be called the reference and Revision clauses of the bill under consideration. The amendments I propose are calculated to bring these provisions in line with what exist on the same subject in the Land Revenue Code, for example, *vide* Sections 217 and 226. People are familiar with these latter, and it is desirable to adopt them in preference to others specially devised. Two important alterations are introduced in the proposed clause. One is that provision is made for doubtful questions of law or usage being referrable to the Chief Court which in this matter is a far more satisfactory tribunal than the Revenue Commissioner. The other is that provision is made for revision of the orders passed by the holder of a Commission in an alienated village under sub-clause (3) of clause 7 as adopted by this Council the other day. I propose that clauses 18 and 19 be omitted and the following substituted in their place:—

"The Government and any Revenue officer not inferior in rank to an Assistant Commissioner may call for and examine the record of any inquiry or the proceedings of any Revenue officer subordinate to it or him and may pass such order thereon as shall seem fit; and the Government may also refer questions for the decision of the Chief Court. The provisions of the Land Revenue Code, IV of 1888, as regards revision of proceedings and reference to the Chief Court shall apply to revision of proceedings and reference to the Chief Court under this section."

"*Explanation.*—For purposes of revision of orders passed by the holder of a commission under sub-section (3) of section 7, such holder shall be deemed to be an Assistant Commissioner or an Amildar according as he is invested with the powers of an Assistant Commissioner or an Amildar respectively under the above mentioned sub-section."

MR. B. NAGAPPA.—I beg to second the above amendment and in doing so to bring to the notice of the Council that the original clause 19 was not quite clear as to whether the Revenue Commissioner had power to interfere on questions of fact, because it was drafted on the lines of Section 622 of the Civil Procedure Code. As the present amendment is wide enough to cover cases where Government or the officer concerned can go into questions of fact, I beg to second it.

PRESIDENT.—What is the sense of the Council with regard to the amendment seconded by Mr. Nagappa?

MR. C. SRINIVASIENGAR.—I think that clause 18 as drafted is somewhat defective in certain respects. But the amendment now proposed covers the same ground and also clause 19. I think it may be adopted.

The Council agreed to adopt the amendment.

PRESIDENT.—Then, as a consequence of this amendment having been passed, the amendments put down against Messrs. Rangiengar and Srinivasiengar may perhaps be considered as withdrawn.

Messrs. Srinivasiengar and Rangiengar withdrew the amendments of which notice had been given by them in respect of clauses 18 and 19.

CLAUSE 20.

MR. T. ANANDA RAO.—Sir, clause 20 provides for review of judgment. No special and separate provision to this effect seems to be necessary here. Clause 13 as amended to-day meets the requirements by bringing all matters of procedure under this bill in line with the prescriptions of the Land Revenue Code. Therefore I propose that clause 20 be omitted.

MR. C. SRINIVASIENGAR.—How does clause 13 affect this ? It relates to procedure. If there is an application for review, how it should be dealt with will be a matter of procedure and would come under clause 13.

PRESIDENT.—The proposal to omit clause 20 is not based on the amendments effected in clause 13. Mr. Ananda Rao says that no such provision exists in the Land Revenue Code.

MR. B. NAGAPPA.—Although there is no provision, yet reviews are often entertained. Now we only legalise it.

PRESIDENT.—A general declaration that as far as may be the procedure laid down in the Revenue Code shall be followed, ought to suffice. These minute details are unnecessary. There must be some sort of proportion in a Regulation of this kind. It is a small provision and it does not find a place even in so elaborate a Code as the Land Revenue Code. The question is whether so much prominence should be given to it and provision made for it in the bill. It will only serve to increase the number of sections. As there is no provision in the Revenue Code for reviews, and it is only a matter of practice, why should not the same practice be set up under this bill? Government has no particular object in omitting it. I only throw out a suggestion.

MR. B. NAGAPPA.—Experienced Revenue Officers entertain and dispose of review applications, but all officers will not do so.

MR. C. SRINIVASIENGAR.—Where is the need for an express provision like this ? No such need has been felt for years. I can understand a section like this finding a place in the Civil Procedure Code with 500 and odd sections.

MR. B. NAGAPPA.—It is not the smallness of the Regulation that is prominent but the importance of the question of offices dealt with.

MR. T. ANANDA RAO.—My personal impression is that the present procedure is justified under Rule 102 of the Land Revenue Rules. But some are of opinion that it is not.

MR. K. P. PUTTANNA CHETTY.—I beg to second Mr. Ananda Rao's proposal.

Mr. Nagappa having withdrawn the amendments in respect of clause 20 standing against his name, Mr. Ananda Rao's amendment to omit that clause was put to the Council and was agreed to.

CLAUSE 21.

MR. C. SRINIVASIENGAR.—Sir, I beg to move that the words "a suit for registering a minor as a successor to a village office may be brought at any time during the minority of the claimant and provided further that" occurring in this proviso be omitted.

Will those of my friends who sat on the Select Committee kindly enlighten me on the significance of this provision ? As the minor can sue at any time during his minority, I do not know what the object was with which the provision was inserted in this proviso. Under clause 11 which provides for the institution of suits, there is this expression, "or being a minor, may sue to be registered as successor." Being a minor he can sue so long as his minority endures. Why the words I have mentioned should exist in clause 21 I cannot understand.

MR. B. NAGAPPA.—I beg to second the amendment.

The Council agreed to omit the words proposed.

CLAUSE 22.

MR. T. ANANDA RAO.—The proposal as regards clause 22 is merely verbal. It is to substitute for the Latin phrase "*mutatis mutandis*" its English equivalent 'as far as may be.'

On further consideration, it seems to me that the words may be omitted altogether.

MR. B. NAGAPPA.—I beg to second the motion to omit those words.

MR. C. SRINIVASIENGAR.—As several things are mentioned in Section 12 of the Limitation Act and only some of them will apply here, I think the words may be retained.

The Council agreed to substitute "so far as may be" for "*mutatis mutandis.*"

CLAUSE 23.

MR. M. C. RANGIENGAR.—I propose that the words "filing and in" be inserted before "disposing" in sub-clause (1) (v) of this clause.

MR. B. NAGAPPA.—I beg to second this.

The Council agreed to the above and also to the transfer of the word "applications" after "appeals" in this sub-clause.

MR. M. C. RANGIENGAR.—Sir, I beg to move that the following be added to this clause:—

"The Government shall, before making rules under this section, publish in the official Gazette, a draft of the same together with a notice calling on the persons interested and the public to state in writing their objections, if any, to the draft rules within a period of not less than three months from the date of the publication of such draft and notice. On the expiry of the period aforesaid, the Government shall consider such objections and pass such rules as may appear to it proper."

This is merely a reproduction of what is found in the Acts in British India. Generally the rules are published in the official Gazette, and some time is fixed within which representations are made, and Government consider them before the rules are finally adopted. I therefore beg to propose this addition to clause 23.

MR. B. NAGAPPA.—I second this amendment. It is necessary to give publicity to the rules and invite the opinion of the general public interested in them.

PRESIDENT.—The question is whether Government is to tie itself down and to be under this restraint of having to publish the rules before passing them. Government will, of course, take care to see that the rules are not inconsistent with the Act, and their action will be subjected to criticism. The rules cannot be kept secret. They can also be amended afterwards and summarily too without referring to the Council. I do not think there is any necessity for a provision of this kind being inserted here.

MR. NAGAPPA.—The Rules may be published for general information.

PRESIDENT.—Then why should we not make the Rules also subject to legislation i.e. make them part of the Regulation itself? I think that this is a matter which Government may well be trusted with.

MR. RANGIENGAR.—As the sense of the Council seems to be against the introduction of the clause, I won't press for a division.

Mr. Rangiengar withdrew the proposal.

The necessity of amending or adding to the provisions regarding Rules to be framed under this clause in consequence of the amendments in the other clauses of the Regulation was then discussed and it was agreed by the Council to add the following words in sub-clause (1), para (i) of this clause:— "and the selection of persons to fill offices newly created under Section 6."

SCHEDULE.

MR. B. NAGAPPA.—Sir, I beg to move that the following alterations be made in the Schedule:—

"In (1), substitute "6 years" for "3 years;"
In (2), substitute "60 days" for "30 days;" and
In (4), substitute "3 years" for "1 year."

Hitherto the time allowed is 12 years. Now we have cut it down to 3 years. It may cause hardship to parties. In civil cases, a suit based upon a registered document gives six years' time.

PRESIDENT.—Is this amendment seconded?

MR. C. SRINIVASIENGAR.—I doubt whether the three years' limit applies to disputes in Civil Courts under the amendment passed the other day by Government. Anyhow, the amendment of which notice is given by me, *viz.*, the addition at the end of item (1) of the words "except land wrongfully taken possession of or wrongfully withheld" was only a consequential amendment and I beg to withdraw it.

MR. B. NAGAPPA.—I beg to withdraw my amendment also.

MR. M. C. RANGIENGAR.—I think it follows as a direct consequence of the omission of the clause as to reviews, that the provision made in the Schedule as to limitation in such cases should also be omitted.

PRESIDENT.—The article may be allowed to remain as it is contemplated to allow review petitions being filed. There will be the advantage of knowing indirectly that review petitions are allowed as a period of limitation is provided for them here.

The retention of the article was approved, and Mr. Srinivasiengar's amendment to insert the letter "B" after the heading "Schedule" was agreed to.

SCHEDULE : COLUMN 1, No. 2.

MR. T. ANANDA RAO.—Sir, we have adopted the new clause 11A providing for decisions by Amildars and Deputy Amildars of complaint of non-payment of miras to totis, talaris and niragantis. The reasons which have induced us to adopt a short time limit for lodging such complaints are also reasons why a short time limit should be prescribed for appeals against such decisions. Ten days are considered sufficient. The necessary provision is proposed to be made by two amendments as follows:—

1. In column (1) of item No. 2 of the Schedule, after the words "Assistant Commissioner" insert the following words, *viz.*, "except an appeal from the decision of an Amildar or a Deputy Amildar under Section 11A."

2. After the said item No. 2, insert the following words, *viz*:—

In column (1) "Appeal to the Deputy Commissioner or Assistant Commissioner from a decision passed by an Amildar or a Deputy Amildar under Section 11A."

In Column (2) "Ten days."

In Column (3) "The date of the decision."

Of course, the number 11A will be altered when the several clauses of the bill are re-numbered.

MR. B. NAGAPPA.—The time proposed, *viz.*, "ten days" is too short.

MR. RANGASWAMI IYENGAR.—I think article 2 is sufficient to cover the whole.

MR. T. ANANDA RAO.—Then I beg to withdraw the amendment.

The amendment was withdrawn.

CLAUSE 1, SUB-CLAUSES (2) AND (3).

Mr. C. Srinivasiengar having suggested that the words "in like manner" may be inserted after "may" in the last but one line of sub-clause (2) of clause 1, and the words "in the official Gazette" after "Government" in the last line of sub-clause (3), the Council resolved to adopt the same.

MR. T. ANANDA RAO.—Sir, the amendments proposed by the Select Committee and also other amendments proposed here before the Council having been disposed of, it now devolves on me to move under Rule 50 of the Rules of business that the bill as amended be taken up and passed at a subsequent meeting. In doing so, I feel it my duty to point out to the Council, that in adopting yesterday the third of the three alternative redrafts which Mr. Srinivasiengar proposed in respect of clause 5 of the bill, the Council have acted somewhat *ultra vires*. I advance this opinion with considerable diffidence because I know I am in a small minority in this matter. But I feel it my duty to point it out all the same.

The amendment as adopted assumes that the service inam lands of the offices of patel and shanbhog are enfranchised to a degree so that they could under existing rules not only be inherited but also be partitioned or transferred among the members of a hakdar's family. I doubt that the existing rules allow of this. The Potgi settlement might condone such cases which may have occurred in the remote past. But it is a totally different thing to permit such in the present and in the future. Injunctions in regard to the emoluments of office are as old as the order of 1835 which have, as occasion offered, been repeated and acted upon. The normal status of a shanbhog's or a patel's family is that of an undivided family, and one result of the restrictions imposed on the tenure of the service lands has been that they have for the most part been dealt with *en bloc* in family arrangements as if they had been constituted into what in the Malnad used to be called a *warg*. The Survey

Department divided the holding into survey numbers and thus introduced a facility for relinquishment of portions of the inam holding. To introduce now a facility for partition would be to introduce a further disintegrating influence; for, under the rules relating to minimum areas, the service inam lands would be parcelled out into small patches so low down as four acres in the case of dry crop land, one acre in the case of wet crop land, and half an acre in the case of garden land. We shall thus be losing the advantage of having large landholders among the hakdar families. When this advantage is lost, enfranchisement of the service inam lands would become inevitable and necessary. I do not mean to say that enfranchisement is undesirable. That is a question upon which I wish to have an open mind. That certainly is a measure which cannot be adopted without a full investigation and full information of local conditions and requirements. If any Hon'ble Member considers it to be a most desirable measure, let him bring it forward as such, clearly and explicitly. We shall then know where we are and what we are about. But what I feel it my duty to object to is the introduction of an element by a side-wind which must force our hands further to a measure of enfranchisement. As to this measure of enfranchisement, the fact is as I have told you that high authorities have flinched from it whenever it was proposed to them. If I am told that by the imposition of the full survey assessment on a service inam land, it has practically been enfranchised, my answer is that the imposition of full survey assessment is one of the incidents of enfranchisement but does not denote or amount to enfranchisement. The Dewan President has been kind enough, as announced the other day, to order some papers to be printed and issued as selections from the records of the Mysore Government. When you examine this and other sources of information, you will find that enfranchisement has never been contemplated in the settlement of these service inam lands effected under the Potgi Rules. If the settlement has been effected, and yet the authorities have shrunk from calling it enfranchisement, it is easy to denounce the position as illogical or anomalous, but it is better to endeavour to reconcile the apparent conflict of ideas and to find out what construction is right and good. There is a sentiment which attaches to these service inam lands adverse to enfranchisement, because cases have existed in which the land-holder would sooner continue to pay a jodi which is higher than the survey assessment than relinquish the tenure and convert it into ordinary raiyatwari by paying the survey assessment. This sentiment deserves to be respected and fostered. In short, inasmuch as a measure of enfranchisement is not before the Council we are not in order in conferring any of the incidents of enfranchisement on service land as has been done by adopting yesterday the third of the alternatives proposed by Mr. C. Srinivasiengar. The second of his alternatives, by being in conformity with the existing Potgi Rule 34, is more appropriate and worthy of adoption by this Council. Or better still, the Potgi Rule 34 itself could be adopted *verbatim* as that is the existing rule.

With these remarks, I move that the bill as amended be taken up at a subsequent meeting of the Council.

MR. SRINIVASIENGAR.—As the section was passed yesterday, it rests with Government by rules to say what lands are assigned as emoluments to the holders of any particular office and what not. In the case of lands not so assigned, alienations will be permitted by law as passed yesterday. It is for Government either to assign or not to assign lands as emoluments to the holders. I am unable to see anything *ultra vires* in this.

MR. ANANDA RAO.—That is a truism and in a way begging the question. You might as well say that all lands paying kandayam may be partitioned and that such lands may be allowed all the incidents of private property.

PRESIDENT.—These are only casual remarks made by the Councillor, but not as representing Government. This is not the stage at which any remarks may be made about amendments which have been passed.

MR. NAGAPPA.—It is only at the stage of the passing of the bill that we may make remarks generally upon the bill. We would like to make some remarks then.

PRESIDENT.—This is not the stage at which all shades of opinion may be allowed to be expressed, and especially whether the provisions are *ultra vires* or not. As you may be aware, this bill has to pass a further stage before it is finally passed; and there are stages at which it is open to the Senior Councillor as a member of Government to bring to notice any fact bearing upon the question, whether what the

Council has adopted is *ultra vires* or inconsistent with the existing law. But, as a member of this Legislative Council, he has simply at the conclusion of the proceedings to say in the words of the rules that have been passed for the conduct of the business of the Council that the bill will be taken up at a later stage and passed. There are other stages through which the bill has to pass before it is finally passed. At any of those stages, the Councillor may bring to the notice of the Government any question bearing upon the *ultra vires* aspect of the legislation.

The Council agreed to take up the bill at a subsequent meeting.

The Police Bill.

MR. K. P. PUTTANNA CHETTY.—Sir, I beg to present the report of the Select Committee appointed for the consideration of the Police Bill and the bill as amended by them and to move that the bill be taken up for consideration by this Council.

MR. T. ANANDA RAO.—I beg to second the motion.

PRESIDENT.—Now we will proceed with the different amendments brought forward.

CLAUSE 3, SUB-CLAUSE 1 (i).

MR. K. P. PUTTANNA CHETTY.—I beg to propose that for the words "Village Offices Regulation" occurring herein, the words "any law or rules in force relating to village offices" be substituted.

MR. C. SRINIVASIENGAR.—I beg to second the proposition.

The Council agreed to this.

MR. C. SRINIVASIENGAR.—I have got a small amendment here. Who is a toti or talari as distinguished from village watchman? Are not totis and talaris village watchmen? I would therefore propose to omit the words "totis, talaris."

MR. RANGASWAMI IYENGAR.—They may have other duties and the word 'talari' does not mean merely a watchman.

MR. SRINIVASIENGAR.—Does not the word 'watchman' include a talari?

MR. RANGASWAMI IYENGAR.—To act as watchman is one of the duties of the toti and the talari.

MR. SRINIVASIENGAR.—All the same, they are watchmen. Is not a toti a watchman?

PRESIDENT.—He may or may not be.

MR. RANGASWAMI IYENGAR.—He may have other duties in connection with the Police Regulation independently of the duties of the village watchman. Therefore a toti is spoken of as a village watchman or in any other capacity.

MR. SRINIVASIENGAR.—I beg to withdraw the amendment.

Mr. Srinivasiengar withdrew his amendment.

CLAUSE 4.

MR. SRINIVASIENGAR.—Sir, I beg to propose that after the word 'Jamadar' in sub-clause (*c*) be added either 'except where a different intention appears from the subject or context' or 'except where otherwise expressly mentioned.'

MR. PUTTANNA CHETTY.—This is already provided for in the beginning of the clause.

MR. SRINIVASIENGAR.—When you go to clauses 8, 9 and 10, you will see the reason for this amendment. There are amendments proposed to be moved by Government and when you go to those clauses I will try and make myself understood.

This was reserved for consideration.

CLAUSE 4, SUB-CLAUSE (1).

MR. PUTTANNA CHETTY.—Sir, I beg to propose that the words "or vehicle" be added after the word "place" in the 7th and 9th lines of this definition and the word "or" occurring before the word "place" in both these lines be omitted.

MR. B. NAGAPPA.—I second it.

The amendment was adopted.

CLAUSES 8 AND 9.

MR. PUTTANNA CHETTY.—Sir, I beg to move that the following be substituted for clauses 8 and 9:—

"8. The appointment of Inspectors of such grades as Government may from time to time prescribe shall be made by Government, and the dismissal of Inspectors of all grades shall vest in Government."

"9. (1) The appointment of Inspectors of grades other than those prescribed under Section 8 and of Sub-Inspectors shall vest in the Inspector-General.

(2) Police officers of the rank of Jamadar shall be appointed in each district by the Deputy Commissioner.

(3) Police officers below the rank of Jamadar shall be appointed in each district by the District Superintendent.

(4) The appointment of all officers of any Provincial Reserve Police force, except Inspector of the grades prescribed under Section 8, shall be made by the Inspector-General.

Provided that all appointments made under this section shall be subject to such rules as the Government may from time to time prescribe."

I beg to explain that the sections as now proposed are in accordance with the orders in force; that is to say, all appointments of grades below Rs. 100 are made by the Inspector-General of Police and those above that sum come up before Government for sanction. This is the present rule and it is proposed to revise these sections accordingly.

MR. ANANDA RAO. I beg to second the amendment.

The Council resolved to adopt the above amendment.

MR. SRINIVASIENGAR. I withdraw the amendment I suggested in clause 4, which was reserved for consideration after the discussion of clauses 8, 9 and 10.

CLAUSE 10, SUB-CLAUSE (1).

Proposed by Mr. Puttanna Chetty and seconded by Mr. Ananda Rao, that the words "Every Inspector and Sub-Inspector" be substituted for "An Inspector" in the first line and the words "or Sub-Inspector, as the case may be" be inserted after the word "Inspector" in the 6th line.

This was agreed to by the Council.

CLAUSE 10, SUB-CLAUSE (2).

MR. PUTTANNA CHETTY.—I beg to propose that for the word "Inspector" occurring in this sub-clause, the word "Sub-Inspector" be substituted and the following added at the end:—

"And every such Police Officer enrolled in any Provincial Reserve Police Force shall receive a certificate in Form II of Schedule B from the Inspector-General."

We have provided that all appointments below the grade of Sub-Inspectors shall be made by Deputy Commissioners and Superintendents of Police and certificates of appointment granted by Deputy Commissioners. But in the case of Reserve Police, these shall be issued by the Inspector-General of Police, because they are directly under his orders.

MR. B. NAGAPPA.—I beg to second the amendment.

MR. SYED AMIR HASSAN.—What objection is there to Superintendents issuing certificates?

MR. PUTTANNA CHETTY.—Though the appointment may be made by the Superintendent, the sannad proceeds from the Deputy Commissioner. The Deputy Commissioner is the head of the District and there is greater prestige in the certificate being furnished by him than by the Superintendent.

MR. SRINIVASIENGAR.—The signature of the head of the District will invest the certificate with a certain degree of respect.

MR. SYED AMIR HASSAN.—In some cases I know Deputy Commissioners have refused to sign certificates, because the appointments were made by Superintendents.

MR. PUTTANNA CHETTY.—If there is a difference between the Deputy Commissioner and the Superintendent, it may be brought to the notice of the Inspector-General.

MR. NARASIMMIYENGAR.—The Superintendent sometimes may sign for the Deputy Commissioner and the difficulty may be got over that way.

The amendment proposed was agreed to by the Council.

CLAUSE 10, SUB-CLAUSE (3).

MR. SRINIVASIENGAR.—I beg to move that the word "appointment" be substituted for "enrolment" in sub-clause (3), and the words "to any officer empowered to receive the same" occurring in the last line omitted, and also that this sub-clause be incorporated in sub-clause (2), as it is not necessary that it should remain as an independent sub-clause. The word used in the original bill was "appointment," and I do not understand why the Select Committee substituted the word "enrolment" for it.

MR. K. P. PUTTANNA CHETTY.—"Enrolment" means first entry into the Police Department.

Mr. SRINIVASIENGAR.—When a man is promoted to the Jamadar's grade, does he not get any certificate?

MR. K. P. PUTTANNA CHETTY.—He does not get any. The certificate on the first enrolment holds good. He does not get a new certificate on each promotion but only on his first enrolment as a Constable, Duffedar or Jamadar and again on his promotion to the grade of Sub-Inspector, when he gets it from the Inspector-General.

MR. SRINIVASIENGAR.—There is no mention of the word "enrolment" in Schedule B, Form II.

MR. RANGASWAMI IYENGAR.—I don't think we need be so particular about the words "enrolment" and "appointment." Perhaps the wording is borrowed from the Act of 1861.

MR. PUTTANNA CHETTY.—"Enrolment" includes appointment.

After further discussion it was resolved by the Council to insert the word "such" between the words "every" and "certificate" in the first line, to omit the words "of enrolment" after the word "certificate" in that line and also the words "to any officer empowered to receive the same" occurring at the end of the sub-clause and to incorporate this sub-clause in sub-clause (2).

SCHEDULE B, FORMS I & II.

Proposed by Mr. K. P. Puttanna Chetty and seconded by Mr. B. Nagappa that "Inspector" / "Sub-Inspector" be substituted for "Inspector" in both the places in which it occurs in Schedule B, Form I and that "Sub-Inspector" be substituted for "Inspector" in Schedule B, Form II.

This was agreed to by the Council.

MR. SRINIVASIENGAR.—Sir, I beg to propose that either the words "length of service, if any" be added in Form II or the same be omitted in Form I.

MR. PUTTANNA CHETTY.—This question was discussed in the Select Committee and it was thought that when an Inspector or Sub-Inspector is appointed, it would be better to specify his service, to serve as a sort of check upon the officer making the appointment. Such a provision exists in the Bombay Act.

MR. SRINIVASIENGAR.—Suppose a Judicial Gumasta is appointed a Jamadar. Am I to understand that there is no necessity to specify the length of his service?

MR. RANGASWAMI IYENGAR.—This means length of service in the Police Department.

MR. SRINIVASIENGAR.—I am not particular about the amendment. I withdraw it.

The amendment was withdrawn.

CLAUSE 12.

MR. SRINIVASIENGAR.—Sir, I beg to propose that the last 3 lines of this clause be omitted. In clause 24 it is said that "subject to the orders of Government, the Inspector-General may from time to time make rules or orders." It means that subject to the orders of Government he is authorized to make rules or orders. Why is the same provision repeated in this clause?

MR. PUTTANNA CHETTY.—In this clause reference is made in a general way to the powers of the Inspector-General of Police.

MR. SRINIVASIENGAR. Why is it specially mentioned here that subject to the approval of Government, the Inspector-General may make rules and orders under the provisions of Sections 24 and 25? Section 25 does not refer to orders but to inspections and requisitions for returns, etc.

MR. PUTTANNA CHETTY.—We have taken these provisions bodily from the Bombay Act. It is necessary to say what powers the Inspector-General has got over the department as a whole and they have been specified here.

MR. RANGASWAMI IYENGAR.—When it is a question of making general requisitions, it means framing rules for the submission of reports, returns, etc.

The amendment proposed was then withdrawn by Mr. Srinivasiengar.

CLAUSE 13.

Proposed by Mr. K. P. Puttanna Chetty and seconded by Mr. B. Nagappa that the words "prescribed and" be inserted after the word "be" in the last line.

This was agreed to by the Council.

CLAUSE 15, SUB-CLAUSE (1).

MR. SRINIVASIENGAR. Sir, I beg to propose that the words "except where otherwise provided" be inserted after "the District Superintendent may" in this sub-clause.

MR. PUTTANNA CHETTY.—I would support Mr. Srinivasiengar's amendment. If the expression "except where otherwise provided" be not inserted, the meaning would be too general. The proposed amendment is necessary.

PRESIDENT.—What is the necessity for it? There is a provision governing the whole.

MR. SRINIVASIENGAR. The District Superintendent is empowered to exercise the powers of the Deputy Commissioner subject to rules and orders. The Deputy Commissioner has got certain powers of appointment and punishment. The District Superintendent will exercise them, unless he is restricted from so doing by rules and orders to be framed. The Code gives certain powers to the Deputy Commissioner and certain powers to the District Superintendent. While it is expressly stated in the Code itself that each one has certain powers, why should we give all the powers of the Deputy Commissioner to the District Superintendent and why should it not be said that he will exercise them subject to reservations? Our rules have to say that the District Superintendent shall not exercise such and such functions. A strict interpretation of this section would be that he carries all the powers of the Deputy Commissioner, while in fact he does not do so.

MR. RANGASWAMI IYENGAR. The better way to put Mr. Srinivasiengar's objection is that there is inconsistency in the provisions. In the Code only certain powers are given to the District Superintendent, but in this section all the powers of the Deputy Commissioner are given to him. The object of this section was that the Deputy Commissioner should be able to delegate his powers to the Superintendent, when he himself is not able to direct personal attention to certain matters, for instance, nomination of Jamadars, etc. This seems to be the object. There may be other similar provisions, such as calling Inspectors to account and so on. For the proper discharge of current duties, this section was introduced.

The proposal to insert the words "except where otherwise provided" after the words "he District Superintendent may," was withdrawn by Mr. Srinivasiengar.

Proposed by Mr. Srinivasiengar and seconded by Mr. Puttanna Chetty that the word "and" be inserted after the word "laws" in para (*e*) and that the words "questions of routine" be substituted for "all other matters of a routine nature" in para (*f*).

This was agreed to by the Council.

CLAUSE 15, SUB-CLAUSE (2).

MR. SYED AMIR HASSAN. I beg to withdraw the suggestion standing against my name in the statement of business.

MR. SRINIVASIENGAR.—Is the position of the Amildar in the Police Department affected by the Regulation?

MR. RANGASWAMI IYENGAR.—Mr. Carr represented strongly that the Inspector should be recognized as the head of the Taluk Police in preference to the Amildar. We effected a compromise by saying that the Inspector is directly responsible for the Taluk Police and that the Amildar will be his superior officer, to whom the former is responsible.

MR. PUTTANNA CHETTY.—In fact, the Inspector, according to this Regulation, will have greater powers over the Taluk Police.

MR. RANGASWAMI IYENGAR.—Under the existing conditions, the Amildar is *de facto* the head of the Taluk Police, whereas under the Regulation we recognize the Inspector as the responsible head. The Amildar will have general control over the Inspector. In fact, we relieve the Amildar from responsibilities in small matters and give him powers of control over the Police in his Taluk. The main difference is this. In the existing state of things, the Inspector would not be more than a Taluk Sheristadar. Hereafter he will be something more. He will also be blamed as an independent officer for any shortcomings, unless he can show that the Amildar overruled him. We only relieve the Amildar from certain unnecessary trouble.

MR. PUTTANNA CHETTY.—The Regulation strengthens the position of the Amildar and makes the Inspector more responsible than he was before. First of all the Inspector will be held responsible for police work in the Taluk and then the Amildar over him. This is what Mr. Carr did not want. But the Committee overruled him.

CLAUSE 17, SUB-CLAUSE (1).

Proposed by Mr. K. P. Puttanna Chetty and seconded by Mr. C. Srinivasiengar that this sub-clause do stand as in the original bill and that the indefinite articles "an" and "a" be inserted before "officer" and "Police Station," respectively, in the twelfth line of this clause.

This was agreed to by the Council.

CLAUSE 17, SUB-CLAUSE (2).

MR. SRINIVASIENGAR.—Sir, I beg to propose that the words "of office" be omitted in the last line or be replaced by the words "of appointment." There is no such thing as a certificate of office; there is only the certificate of appointment. I think "a certificate" will do.

MR. RANGASWAMI IYENGAR.—I think "of office" may be omitted.

PRESIDENT.—What harm is there in retaining them?

MR. SRINIVASIENGAR.—There is no harm, but we will be consistent in the wording if we use the words "certificate of appointment." I am not particular about the amendment and I withdraw it.

The amendment was withdrawn.

CLAUSE 18, SUB-CLAUSE (2) & CLAUSE 19, SUB-CLAUSE (2).

MR. SRINIVASIENGAR.—Sir, I beg to move that provision may be made in clause 18 (2) for rates and payment as in clause 19 (2), and in 19 (2) for the subjection of the additional police to the police authorities as in 18 (2). In both cases the employment of additional police is intended, but certain provisions occurring in the one are omitted in the other.

MR. RANGASWAMI IYENGAR.—As regards the former, it seems to me that no special provision need be made, as the cost will have to be paid by the individual whatever it may come to. As regards the latter, it seems to me to be desirable to insert a provision similar to that contained in 18 (2), as, in the absence thereof, it might be taken to mean that the police employed are under the exclusive control of the man in charge of the work.

PRESIDENT.—In the case of a private individual, there is danger of the additional police employed being kept under his control and so it seems to be expressly provided that the police shall be subject to the orders of the police authorities.

MR. RANGASWAMI IYENGAR.—Perhaps the words "may depute" occurring in clause 19 (1) convey the idea of the retention of control by the police authorities.

MR. PUTTANNA CHETTY.—There is no harm in repeating the words.

MR. NAGAPPA.—It seems unnecessary.

MR. RANGASWAMI IYENGAR.—To make the wording uniform, the words "and shall be subject to the orders of the police authorities" may be added at the end of clause 19 (2).

This was approved by the Council.

The other amendment in respect of clause 18 (2) was withdrawn by Mr. Srinivasiengar.

CLAUSE 20.

MR. SRINIVASIENGAR.—Sir, I beg to propose that the words "and the sum so ascertained may be levied as if it were an arrear of land revenue" be omitted.

MR. PUTTANNA CHETTY.—This provision may be brought under clause 23.

PRESIDENT.—I don't see any harm in keeping it.

MR. SRINIVASIENGAR.—I withdraw the amendment.

The amendment was withdrawn.

CLAUSE 22, SUB-CLAUSE (1).

MR. PUTTANNA CHETTY.—Sir, I beg to move that the words "three months" occurring herein be replaced by the words "one month" which was the time fixed in the original bill. In making this motion I beg to state that "three months" is rather too long a time to allow for applications of this kind. When the summary jurisdiction of the Deputy Commissioner is invoked, it is better that action is taken as early as possible before there is time for concoction. In the Bombay Act, only one month is prescribed.

MR. NARAYANA RAO.—I second the amendment.

The amendment was approved.

CLAUSE 22, SUB-CLAUSE (2) (*c*).

MR. SRINIVASIENGAR.—Sir, I beg to move that for "loss, or damage, or death, or grievous hurt" the words "death, or grievous hurt, or loss, or damage" may be read. There is no object in changing the order of words.

This was approved by the Council.

CLAUSE 22, SUB-CLAUSE (5).

MR. SRINIVASIENGAR.—Sir, I beg to move that for the words "declaration, assessment and order" occurring herein, the words "determination, declaration, recovery and award or appointment" be substituted; or at any rate, the word "determination" be inserted before "declaration" and the words "sub-section (1)" in the third line be substituted by "sub-section (2)."

MR. PUTTANNA CHETTY.—This section is adopted from the Bombay Act of 1890.

PRESIDENT.—The Bombay Act has been in operation for 18 years and the Act has not been amended there. I think we had better leave the wording alone.

MR. SRINIVASIENGAR.—I withdraw my amendment then.

The amendment for the substitution of "sub-section (2)" for "sub-section (1)" was adopted by the Council, the other amendment being withdrawn by Mr. Srinivasiengar.

CLAUSE 22, SUB-CLAUSE (6).

MR. SRINIVASIENGAR.—Sir, I beg to move that the words "loss or" occurring herein be omitted. This also may have been taken from the Bombay Act. I don't see the object in singling out "loss." Anybody that is affected either by death, or grievous hurt or loss of or damage to property is a man that is injured and can claim compensation for the injury, which is sufficiently comprehensive to include all these [*vide* sub-clause (1)]. The word "loss" is unnecessary and misleading.

MR. NAGAPPA.—"Injury" may mean bodily injury or any violation of right.

MR. SRINIVASIENGAR.—How can it in the face of sub-clause (1)? However, I withdraw the amendment proposed.

The proposed amendment was withdrawn.

MR. PUTTANNA CHETTY.—Sir, I beg to move that the word "awarded" be substituted for the words "granted and received."

MR. ANANDA RAO.—I second the amendment.

MR. RANGIENGAR.—If money has been received, then the person who has sustained injury cannot go to Court. This question came before the previous Police Committee and they were of opinion that he should have received the compensation, in which case only he should be prevented from going to Court.

The amendment was put to the Council and was carried.

CLAUSE 23.

MR. SRINIVASIENGAR.—Clause 20 remaining as it was, I withdraw the proposed amendment in clause 23, *viz.*, substitution of the word "three" for "two," of which notice had been given by me.

The Council adjourned to the next day (26th March 1908).

THURSDAY, 26TH MARCH 1908.

The Council met at 3 P.M.

PRESENT—All except Mr. M. Kantharaj Urs.

CLAUSE 25.

Proposed by Mr. K. P. Puttanna Chetty and seconded by Mr. Nagappa that the words "from the District Superintendent and other officers subordinate to him and from the Deputy Commissioner" be substituted for the words "from the Deputy Commissioner and other officers subordinate to him."

This was agreed to by the Council.

CLAUSE 26, SUB-CLAUSE (1).

MR. C. SRINIVASIENGAR.—Sir, I beg to propose that the words "below the grade of Assistant Superintendent" occurring in this sub-clause be omitted, and in the last line but two the word "reduction" be inserted after the word "suspension."

MR. K. P. PUTTANNA CHETTY.—I beg to second the first proposition. The words "below the grade of Assistant Superintendent" are quite unnecessary.

MR. C. SRINIVASIENGAR.—Under sub-clause (3), the Inspector-General has authority to punish certain officers and the Deputy Commissioner, certain other officers. Sub-clause (3) is referred to in sub-clause (1). The words "below the grade of Assistant Superintendent" would not be correct, unless applied to the powers of the Inspector-General of Police only.

MR. K. P. PUTTANNA CHETTY.—The wording leaves much to be desired. We have copied it from the Bombay Act.

MR. A. RANGASWAMI IYENGAR.—The words would mean police officers coming under sub-clause (3) and would include only those officers who are liable to be punished by the different higher officers as therein stated. Instead of omitting the words as suggested, the whole of sub-clause (1) may be omitted.

MR. K. P. PUTTANNA CHETTY.—But the provision made in the sub-clause is a general one and does not occur elsewhere.

MR. A. RANGASWAMI IYENGAR.—If so, I think the words are necessary and should be retained. They only indicate the officers who may be punished.

PRESIDENT.—The provisions in this sub-clause refer only to officers below the grade of Assistant Superintendent.

MR. A. RANGASWAMI IYENGAR.—These words "officers below the grade of Assistant Superintendent" include all the officers punishable under sub-clause (3).

MR. V. N. NARASIMMIYENGAR.—It is immaterial whether we keep these words or not.

PRESIDENT.—Mr. Rangaswami Iyengar says that the sub-clause merely lays down a general proposition that it is only this class of officers that shall be liable to punishment and not others, and that sub-clause (3) takes one by one separately and indicates the authority who shall punish the different classes of officers.

MR. C. SRINIVASIENGAR.—Sub-clause (1) begins with a reference to sub-clause (3). The officers entitled to punish are three. These are clubbed together and one common expression is used. It is only a verbal change that I have proposed. I leave it to the Council to accept or drop it.

PRESIDENT.—What is said is that only the class of officers below the grade of Assistant Superintendent shall be liable to be punished. Then sub-clause (3) takes the different classes of officers below that grade and says who shall punish whom. So there is no harm in retaining the words.

Mr. Srinivasiengar accordingly withdrew the amendment proposed as regards the omission of the words "below the grade of Assistant Superintendent."

PRESIDENT.—As regards the insertion of the word "reduction" after the word "suspension," there may be some meaning in the omission of that word in the Bombay Act. Reduction involves a permanent decrease of pay. The sub-clause contemplates fining a month's pay in cases where suspension or dismissal is not required. If reduction is thought of, no fine is necessary. That is perhaps why it is omitted.

MR. C. SRINIVASIENGAR.—This is a verbal amendment and I would withdraw it under the circumstances.

This was withdrawn.

CLAUSE 26, SUB-CLAUSE (3).

MR. K. P. PUTTANNA CHETTY.—I beg to propose that the words "subject to the provisions of Section 8" be inserted at the beginning of this sub-clause, and the words "of and" after "him" in the 7th line and the word "sub" before "Inspector" in the 8th line.

MR. C. SRINIVASIENGAR.—I second this.

MR. A. RANGASWAMI IYENGAR.—I think the section may stand as it is, because it is a broad one which will apply to all cases. In the construction of one section of an enactment, the restrictions laid down in other sections would apply and no express reservation seems to be necessary.

MR. C. SRINIVASIENGAR.—It seems necessary to refer to Section 8 in this sub-section as the Inspector-General cannot dismiss Inspectors and dismissal is also one kind of punishment.

MR. A. RANGASWAMI IYENGAR.—In considering any one section, it must be considered consistently with the other provisions of the Code. It is an ordinary principle of interpretation.

MR. K. P. PUTTANNA CHETTY.—We want to make it clear what the powers of the Inspector-General are.

MR. C. SRINIVASIENGAR.—I have also given notice of an amendment in respect of this sub-clause, but it is not very important and I may be allowed to withdraw it; but the other one proposed by Mr. K. P. Puttanna Chetty and seconded by me may be passed. The other alterations are consequential.

PRESIDENT.—We may make the clause clumsy by inserting too many conditions. So if the Council agrees, we may adopt Mr. Puttanna Chetty's amendment and make the matter clear once for all.

MR. A. RANGASWAMI IYENGAR.—Yes, it certainly makes the matter clearer.

The amendments proposed by Mr. Puttanna Chetty were adopted.

CLAUSE 27, SUB-CLAUSE (1).

MR. K. P. PUTTANNA CHETTY.—Sir, I beg to propose that the original wording of sub-clause (1) be restored as the amendment made by the Select Committee does not seem to have improved it.

MR. T. ANANDA RAO.—The words "under his signature" should have come after "therefor."

MR. C. SRINIVASIENGAR.—"Together with a note of the enquiry made under his signature" is perhaps what is meant.

MR. A. RANGASWAMI IYENGAR.—The order is more important than the note of enquiry.

MR. C. SRINIVASIENGAR.—The sub-clause is clumsily worded. The Select Committee tried to improve upon it. According to the original "with" has to be taken as understood before "a note;" according to the Select Committee's alteration, "shall be" has to be taken as understood before "made."

MR. A. RANGASWAMI IYENGAR.—"Signed" applies to the record. I think the original was better. "And signed by him" does not fit in.

MR. C. SRINIVASIENGAR.—It can come in if the words "shall be" are read before "made." If the whole is to be signed including the order, the original is better.

MR. H. J. BHABHA.—There are many superfluous words; "in writing" may be omitted.

PRESIDENT.—What do you understand the procedure to be? Why should we not re-cast the whole section?

MR. A. RANGASWAMI IYENGAR.—It seems that in this section three ideas are intended to be expressed: (1) that punishment has to be given only after enquiry (2) the substance of the enquiry, the order and the reasons therefor have to be recorded and (3) these have to be signed.

MR. T. ANANDA RAO.—Why not say 'and sign the same' instead of 'and signed by him'?

MR. K. P. PUTTANNA CHETTY.—We may let the whole thing remain as it stood originally.

PRESIDENT.—Then we will adopt Mr. Puttanna Chetty's amendment.

The Council agreed to adopt the same.

CLAUSE 27, SUB-CLAUSE (2).

MR. K. P. PUTTANNA CHETTY.—I beg to propose that for the words "the order" occurring in line 3 of this sub-clause, the words "all orders" be substituted.

MR. C. SRINIVASIENGAR.—I beg to second this.

PRESIDENT.—What harm is there if the expression 'the order' is allowed to stand?

MR. H. J. BHABHA.—I think it is only to make it uniform that the amendment has been proposed.

MR. A. RANGASWAMI IYENGAR.—As the Deputy Commissioner and the District Superintendent of Police are supposed to exercise co-ordinate powers, there may arise a doubt as to whether an appeal from the order of a District Superintendent lies to the Deputy Commissioner or not. This section makes that point clear. There is no harm in keeping the words as they are.

MR. C. SRINIVASIENGAR.—As the expression stands, does it mean that a 'second appeal' lies to the Inspector-General? It looks as if it were an appeal from an appellate order but the idea is that an appeal lies from every order passed by a Deputy Commissioner.

The amendment was put to the Council and was carried.

CLAUSE 28.

Proposed by MR. PUTTANNA CHETTY and seconded by MR. SRINIVASIENGAR that the word "any" in line 2 of sub-clause (1) be substituted by the word "the" and the words "his immediate superior" at the end of sub-clause (2) by the words "the Inspector-General or the Deputy Commissioner, as the case may be."

This was approved by the Council.

CLAUSE 30.

The amendments to this clause of which notice had been given by Mr. Srinivasiengar were withdrawn by him.

CLAUSE 32, SUB-CLAUSE (1).

The proposal to omit the words "or of office" occurring in this sub-clause was withdrawn by Mr. Srinivasiengar.

CLAUSE 33, SUB-CLAUSE (3).

MR. SYED AMIR HASSAN.—I beg to propose that the words "within seven days" be inserted between the words "duty" and "on" in this sub-clause. According to

this sub-clause, the absentee will be liable to be prosecuted the very next day. It seems desirable to allow him some time after the expiry of the leave to report himself for duty and provide for his prosecution only if he should fail to do so within that time.

MR. C. SRINIVASIENGAR.—In fact we intend this for the benefit of the man. No time is fixed; he may furnish his explanation even after seven days.

MR. A. RANGASWAMI IYENGAR.—The object of the proposed amendment is that officers must wait for a certain time before taking action. If the man does not come immediately after the expiry of the leave, the officer is likely to presume that he has been absent without cause. The amendment proposed will prevent him from taking immediate action.

MR. SYED AMIR HASSAN. The limit I have proposed is allowed by the existing rules.

MR. A. RANGASWAMI IYENGAR.—It is a useful one. I would second it. Action is deferred for the first seven days.

MR. K. P. PUTTANNA CHETTY.—Sufficient time is given in the rules.

MR. A. RANGASWAMI IYENGAR.—If so, the amendment would be unnecessary.

The amendment proposed was withdrawn by Mr. Syed Amir Hassan.

Mr. Syed Amir Hassan also withdrew the amendment proposed to be moved by him, that in clauses 33, 34, 57 and 61, the words "of either description" be inserted between the words "imprisonment" and "for."

CLAUSE 34.

The proposal to omit the words "or of office" of which notice had been given by Mr. Srinivasiengar was withdrawn by him.

OLD CLAUSE 35.

MR. K. P. PUTTANNA CHETTY.—Sir, I beg to propose that this clause which was expunged by the Select Committee be restored in the following terms of section 38 of Bombay Act IV of 1890:—

"Government, whenever it shall seem necessary, may, by notification make an order to such effect as any order which, if made by a Magistrate under section 144 of the Code of Criminal Procedure, could be continued in force by Government under the enactment aforesaid."

This is an exceptional provision and we can imagine circumstances in which Government may have to issue such an order without reference to the Inspector-General of Police or the District Magistrate. So it would be very desirable to retain this provision as in the Bombay Act.

MR. C. SRINIVASIENGAR.—I beg to second the amendment.

MR. B. NAGAPPA. I beg to oppose the amendment for manifold reasons. It has the effect of investing the authorities with arbitrary powers to be exercised without giving the party affected any opportunity of showing that the proposed order was unjust, unreasonable and uncalled for. The Government may act upon the information or representation made by an interested person and it may pass the order without calling for any report from the local authorities who are the best judges to pronounce an opinion as to the disturbed condition of the local area and to the desirability of immediate preventive or other speedy remedy to be adopted. The effect of this amendment is to invest the Government with power to make any order in all cases other than those specially mentioned in section 144. This would set at naught the cardinal principle of securing to every person the enjoyment of his rights under the law. This, I submit, is an innovation likely to cause great harm to the public. The Select Committee appointed by the Council have wisely recommended the omission of this clause. I earnestly hope that this Council will duly consider the recommendation before voting on this amendment.

MR. A. RANGASWAMI IYENGAR.—This provision which will apply to the passing of the order will also apply to the cancelling of the same. There is nothing to prevent one from petitioning to Government to cancel the order if it is hard. When Government is supposed to act under section 144, it is bound to take the representation.

MR. B. NAGAPPA.—Provision is made in the amendment only for Government passing such orders. I submit that this is an innovation.

MR. A. RANGASWAMI IYENGAR.—This is not a new provision. It is taken from the Bombay Code.

MR. M. C. RANGIENGAR.—I submit that Government cannot act under section 144. What they can do is, after the Magistrate passes the order in any case, they may extend the period of its operation. The procedure prescribed in the Criminal Procedure Code, is for the Magistrate to follow. It is not obligatory on Government to follow that procedure. Therefore if in the present Regulation, power is given to Government for passing an order upon its own initiative without waiting for a Magistrate holding an enquiry or passing an *ex parte* order, they will not be bound to follow the procedure laid down in section 144. Reference to section 144 of the Criminal Procedure Code in this Regulation is merely to the nature of the order that may be passed and not to the procedure that Government has to follow. As submitted to the Council by my learned friend, it is not necessary that Government should be invested with power to pass an order of this description upon its own initiative, as its own officers will be on the spot and will have cognisance of the matter which necessitates the passing of the order. If the local officers are of the same opinion as Government, then Government may direct a competent Magistrate to pass the necessary order. On the other hand where local officers are satisfied that there is no necessity for such an order, but Government considers that such an order should be passed, then Government has to exercise the power in a more formal manner than is proposed to be adopted. Here there is no restriction imposed upon the powers of Government. No enquiry is required to be made. Government may get some information from some individual and may pass an order thereon. It is open to the Magistrate to pass an *ex parte* order, and the party who is affected by the order has an opportunity of representing his grievance and it is not open to the Magistrate to decline to consider it. But it is not obligatory upon Government to hold any enquiry. I therefore beg to submit that the recommendations of the Select Committee may be adopted.

MR. S. NARAYANA RAO.—It seems to me that the provision in the Bombay Code is intended to meet extraordinary cases where Government is required to take action very promptly. If such an emergency arise, the provision would be very useful in the interests of the protection of life and property of the subjects. But the question for consideration would then be whether Government would misuse this power. I submit it would be simply entertaining a doubt as to the capacity of Government to use the power rightly. The question simply resolves itself into this, whether it is not safe at all to invest Government with such a power on the ground that at times it might be misused. Seeing that an emergency may arise when prompt action may be required to be taken, the clause may be retained.

MR. K. P. PUTTANNA CHETTY.—As explained by the last speaker, this extraordinary provision is intended to meet extraordinary emergencies, occasions when Government will have to act on its own initiative and without reference to local officers. It may be that the local officers, by not properly estimating the force of circumstances, or by perversity, may not take a proper view of the situation. In these circumstances, Government may be called upon to act in the interests of the public peace. I think such a provision is very necessary and I request the Council to consider this aspect of the case before they vote for or against it.

MR. A. RANGASWAMI IYENGAR.—The chief objection that is taken by my friends on the other side is that the safeguards which exist in the case of the District Magistrate or other Magistrate empowered to act under Section 144 of the Criminal Procedure Code do not exist in the case of Government. But I would request them to read clauses (2) and (5) of that section. The Magistrate taking action thereunder is competent to make an *ex parte* order, which will be in force for two months and such order Government is competent to extend without giving notice to or hearing parties. What is now proposed is that Government may pass such an *ex parte* order itself. So this is not any extraordinary power newly arrogated to Government. Further it will be seen that the cases in which Government will act are also extraordinary cases of danger to human life, safety, etc., so that, it is intended to meet only extreme cases of emergency.

MR. B. NAGAPPA.—A word in reply is necessary. Under clause (4) of Section 144, a Magistrate may rescind or cancel the order passed, if he is satisfied on hearing the parties or otherwise that there is no necessity for it. If it is not cancelled, Government may extend the order for a further period beyond two months for which it shall otherwise remain in force. So, before this power is exercised by Government, the parties will have had an opportunity of being heard and will have been heard by the Magistrate; whereas according to the amendment contemplated, Government may not hear the parties at all. If Government pass an *ex parte* order, no time limit is fixed for which such an order is to remain in force. Such being the case, an *ex parte* order of the kind contemplated by the proposed clause will work hardship.

MR. T. ANANDA RAO.—I would like to make one enquiry for my information. Suppose a Magistrate after holding an enquiry under Section 144 of the Criminal Procedure Code refuses to pass an order and the danger continues. What is the remedy then? Is there an appeal against his order? Or is there a revision? Government shall have to interfere here.

MR. B. NAGAPPA.—Then the District Magistrate must be incompetent. I cannot conceive of such a case occurring.

PRESIDENT. Yes. If a case occurs either by the incompetency or the perversity of the Magistrate as observed by the Second Councillor, what is the remedy?

MR. C. SRINIVASIENGAR.—You say you can trust the District Magistrate. Why not credit Government with some common sense? Why should you distrust them?

MR. M. C. RANGIENGAR.—There is provision for an enquiry under the Criminal Procedure Code, which Government is not bound to make under the proposed amendment.

MR. C. SRINIVASIENGAR.—What Government want is that they be empowered to pass in the first instance an order which, if passed by a Magistrate, they can continue. This is perfectly reasonable.

PRESIDENT. If we are erring at all, we are erring in good company. We are taking the provision from the British legislature. The very words we propose to introduce into our legislation are used in the Bombay Act.

MR. B. NAGAPPA.—The section in the Bombay Act was passed in 1898. There was then some sedition in Bombay and there was therefore some cause for the Government to pass such a measure. We in Mysore are perfectly loyal and law-abiding people and there is no reason for apprehending a similar state of things here.

PRESIDENT. The Council will see that we have a good precedent to go upon, and it is only in cases of extraordinary emergency when public safety will be endangered by any delay in taking action or when the local authorities have not formed a proper conception of the gravity of the situation that Government will intervene. It is as well that they should reserve such a power for themselves. This is a provision intended for public safety.

MR. M. C. RANGIENGAR.—But there may be a provision for a subsequent enquiry or the period of time for which the order shall remain in force may be limited.

PRESIDENT.—I do not think this to be necessary.

MR. M. C. RANGIENGAR.—"Until the Magistracy takes action in the matter" or some such words may be used. Otherwise, the provision will frighten the public.

PRESIDENT.—It is imaginable that there may be circumstances under which Government would be justified in taking prompt action, and it would be inexpedient to call upon a Magistrate to take the necessary action.

MR. M. C. RANGIENGAR. Government may pass the order and direct that it be in force for such time as it considers necessary. As the section reads the order may remain in force for any length of time.

MR. C. SRINIVASIENGAR.—No. Only for two months. Government could only pass such an order as the District Magistrate can pass. It will be in force only for two months, unless it is further extended.

PRESIDENT. No. The provision has reference only to the nature of the order and not to its duration.

MR. A. RANGASWAMI IYENGAR.—I also think that it is the nature of the order and not the duration that is contemplated.

PRESIDENT.—Government would rather like to be rid of any such power and would like to hand it over to the District Magistrate. It is only for meeting the moment's emergency that such power is required by Government. You may leave this alone, as otherwise it may work hardship the other way. A Magistrate may get paralysed in a case of emergency. Provision should be made to meet such cases so that Government may not be powerless in such circumstances and may step in and take prompt action to secure the public safety. As I said, we have a good precedent in the Bombay Act and I suppose we should not be erring very much if we adopt it.

The amendment was put to the Council and was carried, the votes being eight *for*, two *against* and one being *neutral*.

CLAUSE 35, SUB-CLAUSE (1).

Proposed by Mr. K. P. Puttanna Chetty that "letting" be substituted for "lighting" in line 3, para *(f)*, and that the word "deceased" be retained in para *(i)* and the words "as to" in para *(k)*.

These amendments were seconded by Messrs. V. N. Narasimmiyengar, A. Rangaswami Iyengar and B. Nagappa respectively and were approved by the Council.

CLAUSE 35, SUB-CLAUSE (2).

Proposed by Mr. K. P. Puttanna Chetty and seconded by Mr. C. Srinivasiengar that the words "every rule, order or regulation" be substituted for the words "the rules, orders and regulations."

This was approved by the Council.

CLAUSES 35 & 36.

The amendments to these clauses which Mr. C. Srinivasiengar had proposed to move were withdrawn by him.

Proposed by MR. K. P. PUTTANNA CHETTY and seconded by MR. H. J. BHABHA that the word "a" be inserted before the words "longer period" in sub-clause (3) of clause 35.

This was approved by the Council.

CLAUSE 37.

Proposed by MR. K. P. PUTTANNA CHETTY and seconded by MR. B. NAGAPPA that the word "or" before the word "place" be omitted and the words "or vehicle" inserted after it, in the last line but one.

This was approved by the Council.

CLAUSE 38, SUB-CLAUSES (1) & (2).

MR. K. P. PUTTANNA CHETTY.—Sir, I beg to propose that the words "for reasons which he shall record" and "stating his reasons therefor," respectively, occurring in Sub-clauses (1) and (2) be omitted.

MR. RANGIENGAR.—It seems to me that it is necessary to retain these words as an appeal is allowed against these orders. Under Sub-clause (2), an order made by a subordinate Magistrate has to be confirmed by the District Magistrate. How can he confirm or cancel the order without any materials to go upon.

PRESIDENT.—Where is the time for a Magistrate taking action under this clause to record his reasons in writing? This is an emergent order and the course proposed by the Select Committee will defeat the object thereof. It is simply to see whether the subordinate Magistrate has used his discretion properly that sub-clause (2) directs that the order be communicated to the District Magistrate. If action is taken by the District Magistrate himself, there is full discretion given to him to pass any order he considers fit, but if it is taken by a subordinate Magistrate, he must communicate his order to the District Magistrate who will exercise his discretion and see whether he will confirm the order or cancel it. All this will have to be done on the instant, sometimes by word of mouth. The provision that reasons be recorded will unnecessarily hamper the taking of action by the Magistrate. Of course, the Magistrate will be held responsible if he passes a wrong order. If the Council will agree, Mr. Puttanna Chetty's amendment may be adopted.

The Council agreed to adopt the amendment.

CLAUSE 39.

Proposed by Mr. C. Srinivasiengar and seconded by Mr. Puttanna Chetty that the words "subject to the control of the District Magistrate" inserted by the Select Committee in this clause be omitted and the words "and subject to his control" be restored as in the original bill.

This was approved by the Council.

CLAUSE 40.

The amendment to this clause proposed to be moved by Mr. C. Srinivasiengar was withdrawn by him.

CLAUSE 41, SUB-CLAUSE (1).

Proposed by Mr. K. P. Puttanna Chetty and seconded by Mr. C. Srinivasiengar that the words "by public notice" be inserted between the words "may" and "prescribe" in the 9th line of this sub-clause.

This was approved by the council.

CLAUSE 41, SUB-CLAUSE (2).

Proposed by Mr. K. P. Puttanna Chetty and seconded by Mr. C. Srinivasiengar that the wording of the original bill in this sub-clause be restored.

This was also approved by the Council.

CLAUSE 44, SUB-CLAUSES (1) AND (2).

MR. K. P. PUTTANNA CHETTY. Sir, I beg to propose that the following be substituted for sub-clause (1) and that sub-clause (2) be omitted:—

"The District Magistrate, any first class Magistrate, any Amildar or Deputy Amildar may within the local limits of his jurisdiction, regulate, and control by the grant of license or otherwise, the conduct of all assemblies and processions, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street."

I beg to explain in this connection that the present amendment is based upon the existing practice. It is the Magistrate that grants the license. There is a rule to that effect in the Regular Police Rules. The Police carry out his orders. So, in the proposed amendment it is stated that the District Magistrate, any first class Magistrate or any Amildar or Deputy Amildar may regulate and control the conduct of assemblies etc., by the grant of licenses or otherwise. It is also proposed to expunge sub-clause (2). Under the existing practice an appeal lies to the District Magistrate from an order passed by a subordinate Magistrate. An order passed by the District Magistrate is however not appealable to Government under the Rules. It is true Government have taken up such cases and passed orders on them after hearing the representations of parties. But such orders have been in the way of directions to the District Magistrate and not as Government sitting in appeal over the dicision of the District Magistrate. The existence of a provision for appeal to Government will weaken the hands of the District Magistrate and will tend to make parties prefer such appeals in every case to Government. It seems much better to leave the matter entirely in the hands of the District Magistrate, and as heretofore Government may receive petitions and dispose of them in the exercise of the general powers which are vested in them in this behalf. What is now proposed is only to continue the existing practice and to omit the provision made for allowing a further appeal to Government in such matters.

MR. A. RANGASWAMI IYENGAR.—I would add only one word. The meaning of the word "may" is differently construed in different places. Although the word implies a certain amount of discretion, it may be taken to mean that for every procession, etc., a license is necessary. I think that it will be better to adopt the words "it shall be lawful, etc.," so as to make it clear that Magistrates may or may not take action.

PRESIDENT. The Second Councillor's idea in proposing this amendment is not to break away altogether from the existing practice. He seeks to give a little prominence to the idea of licenses which does not exist in the Bombay Act, without insisting on a license being taken out in every case.

MR. A. RANGASWAMI IYENGAR. "May" would imply that some action should invariably be taken. Half a dozen persons may go out for an invitation. They may

take a piper with them and they may be blamed for not taking out a license. My suggestion is purely a techinical one. It will give greater liberty of action and discretion to the Magistrate if the words "it shall be lawful" are used instead of "may."

PRESIDENT.—I think the idea was not to make too violent a departure from the existing practice and at the same time to indicate that licenses may be issued.

MR. K. P. PUTTANNA CHETTY.—It is not in every case that a license will have to be obtained. It is only in cases where the Amildar apprehends some disturbance, as for instance when there are factions in the village, that a license may be required to be taken out.

MR. B. NAGAPPA.—Sir, I beg to oppose the amendment as regards the omission of sub-clause (2). The reasons assigned by the learned mover of the amendment for omitting this sub-clause are twofold. He contends *firstly*, that there is no statutory power given to Government to hear appeals from the orders of the District Magistrate; *secondly*, that it will have the effect of weakening the power of the District Magistrate.

As to the first reason, I beg to submit that the District Magistrate passes the order in his capacity not as District Magistrate but as the head of the District Police. The practice invariably has been to allow appeals to Government from such orders; and several cases have been decided and many principles have been enunciated by Government in this connection. As to the second, a moment ago it was stated that there might be perversity on the part of a District Magistrate in passing orders, that he cannot be trusted therefore and that the intervention of Government was necessary. When a provision exists that Government has the power of hearing appeals against the orders of a District Magistrate, he will be more careful in passing his orders and the interests of parties will be safeguarded to a great extent.

MR. C. SRINIVASIENGAR.—The practice seems to be that petitions are presented to Government and not appeals.

MR. B. NAGAPPA.—Whether we call it petition or revision or appeal, Government have the power to interfere. At any rate, they have been revising the orders passed by the District Magistrate. If sub-clause (2) is omitted as proposed, Government will have no such power to interfere.

PRESIDENT.—What Mr. Puttanna Chetty states is that an innovation has been made by the Select Committee and that therefore the newly added sub-clause (2) should be deleted.

MR. B. NAGAPPA.—It is no innovation at all. It only enacts the existing practice. Whether as an appellate authority or otherwise, Government have been entertaining petitions from the orders of a District Magistrate passed as the head of the District Police. If the same is proposed to be continued, the question will be under what section they are to interfere.

PRESIDENT.—Will you quote from the Madras or the Bombay Act or the Police Rules any provision for an appeal to Government against the order of a District Magistrate passed under clause 44?

MR. B. NAGAPPA.—I quote the proceedings of the Mysore Government itself to show what the existing practice is.

PRESIDENT.—The practice will be continued.

MR. B. NAGAPPA.—If so, it is all right. But the deletion of the sub-clause affects the power of Government to entertain appeals, especially when no reference is made to the existing practice.

PRESIDENT.—We do not propose to interfere with the existing practice. To justify a provision in the Regulation for the first time, have you any precedent either in the Madras or the Bombay Act or in the Police Rules?

MR. B. NAGAPPA.—Similarly, there is no provision for insisting upon people to take out a license and if we have to adhere to the existing practice a license will have to be taken out in every case. An Amildar may refuse to grant a license. Then, is no appeal to lie against his order?

PRESIDENT.—We take this provision about licenses from the existing Police Rules. Magistrates may issue licenses as provided for in those rules.

MR. B. NAGAPPA.—The Rules say that the Amildar-Magistrate or the Deputy Commissioner may grant licenses. That means that an appeal will lie to the Deputy Commissioner against the order of the Amildar refusing to grant a license.

MR. K. P. PUTTANNA CHETTY.—The same presumption will continue.

MR. T. ANANDA RAO.—There is one point which I think has to be borne in mind. The order proposed to be appealed against is one passed in regard to a particular occasion. I think it will be an order in regard to an assembly which is coming on immediately. I should like to know what object will be served in appealing against that order after the occasion is over.

MR. V. N. NARASIMMIYENGAR.—The order may apply to succeeding occasions as for instance, Holi feast.

MR. B. NAGAPPA.—If you allow that it is competent for a Deputy Commissioner to hear parties and decide on the legality of an order passed by an Amildar, why not provide for the same in the Regulation itself.

MR. M. C. RANGIENGAR.—I do not think that an appeal is preferred to the Deputy Commissioner at present. What is done is, only a petition is filed, which is registered as a miscellaneous petition. The Deputy Commissioner hears the parties and either cancels or confirms the order of the Amildar. The petition presented to him is as a Deputy Commissioner having jurisdiction over the whole area of a district. The amendment proposed by Mr. Puttanna Chetty gives power to the Deputy Commissioner to entertain a petition against an order passed by an officer subordinate to him and to deal with it in any way he thinks fit. Within his jurisdiction any body can apply to the Deputy Commissioner irrespective of the question whether the subject went before an Amildar or an Assistant Commissioner.

PRESIDENT.—Yes. The amendment proposed does not affect the right of parties. The order passed by the Deputy Commissioner will be in his capacity as the head of the District, *i.e.* in his executive capacity, and it would be inexpedient for Government to entertain an appeal from that order and interfere with it. If the order relates to a custom, the question whether the continuance of the custom is desirable or not may come before Government after the event is over, but so for as the emergency of the occasion is concerned, the Deputy Commissioner has to take such action as he thinks fit after taking all the circumstances of the case into consideration.

MR. B. NAGAPPA.—May I ask if the existing practice will be continued?

PRESIDENT.—Yes; it will be continued. We may give you an assurance as to that.

MR. B. NAGAPPA.—In that case, I beg to withdraw my opposition.

The Council resolved to adopt sub-clause (1) as amended by Mr. K. P. Puttanna Chetty and to omit sub-clause (2).

CLAUSE 44, SUB-CLAUSES (3) to (6).

MR. K. P. PUTTANNA CHETTY.—Clause 44, sub-clause (1), refers to the powers of the Magistracy and the Amildar. Sub-clauses (3) to (6) define the powers of the Police to regulate assemblies etc., and may well form a separate clause by themselves.

MR. C. SRINIVASIENGAR.—I beg to second this proposition.

This was approved by the Council.

Proposed by Mr. Puttanna Chetty and seconded by Mr. Srinivasiengar that the word and figure "and 44" be inserted after the figure "42" and that the words "of this regulation" be omitted.

This was also approved.

CLAUSE 44, SUB-CLAUSE (5).

Proposed by Mr. Puttanna Chetty and seconded by Mr. Srinivasiengar that the word "such" in the fifth line of this clause be omitted and the words "issued under this or the preceding section" inserted after the word "order" in the same line.

This was also approved.

CLAUSE 44, SUB-CLAUSE (6).

Proposed by Mr. Puttanna Chetty and seconded by Mr. Srinivasiengar that the words "given under this section" occurring in this sub-clause be omitted.

This was also approved.

The amendment proposed to be moved by Mr. Srinivasiengar to omit the words "as for an arrear of land revenue" was withdrawn by him, as on further consideration he was of opinion that there would be no harm in allowing them to remain, although there was a general provision regarding this in clause 23 of the bill.

CLAUSE 45, SUB-CLAUSE (4).

MR. K. P. PUTTANNA CHETTY.—Sir, I beg to propose that this sub-clause which the Select Committee has deleted may be retained.

MR. T. ANANDA RAO.—I beg to second the amendment.

MR. A. RANGASWAMI IYENGAR.—This provision goes too much into details. It gives power to destroy a dog if it could not be traced to the owner. It had better be omitted.

MR. K. P. PUTTANNA CHETTY.—If the dog has a collar round its neck, the owner must be traced.

The proposal was approved.

CLAUSE 46, SUB-CLAUSE (1).

Proposed by Mr. Puttanna Chetty and seconded by Mr. Rangaswami Iyengar that the words "relating to revenue or any other law at the time in force" deleted by the Select Committee be restored and the words "or rule having the force of law" inserted by the Select Committee be deleted.

This was approved by the Council.

CLAUSE 51.

The amendment proposed to be moved by Mr. Srinivasiengar to substitute "Regulation" for "Act" was withdrawn by him.

CLAUSE 54 (*i*).

MR. K. P. PUTTANNA CHETTY.—Sir, I beg to propose that the original wording of this clause be restored. The word "gathered" has a special meaning there. The provision applies to persons assembled for the purpose and not to spectators.

MR. C. SRINIVASIENGAR.—The original wording seems to be better. I second the amendment.

The amendment was adopted.

CLAUSE 54, SUB-CLAUSE (*j*) (ii).

Proposed by Mr. Puttanna Chetty and seconded by Mr. Rangaswami Iyengar that the word "permits" be restored in place of the word "causes" substituted by the Select Committee.

This was approved.

CLAUSE 54 (*k*).

Proposed by Mr. Srinivasiengar and seconded by Mr. Puttanna Chetty that the words "in any street" inserted by the Select Committee be omitted.

This was also approved.

CLAUSE 54 (*w*).

MR. SRINIVASIENGAR.—I have got my doubts about the words "in any street" in this para.

MR. PUTTANNA CHETTY.—We discussed the question in the Select Committee and came to the conclusion that if the act is done in any place other than a street, it is not punishable. The object is to prevent it from becoming a public nuisance; the words "in any street" were advisedly inserted. "Street" is defined in the Regulation as including "a highway, etc.——."

MR. RANGASWAMI IYENGAR.—I find that even the original Police Committee had proposed to insert the words "in any street." Only they were not inserted somehow. (*Vide* page 19—para 88 of the Report of the Committee originally appointed to revise the Draft Police Regulation).

MR. SRINIVASIENGAR.—I withdraw my objection. I thought "in any public place" was what was meant.

CLAUSES 61, 62, 64 & 77.

The amendments to these clauses of which notice had been given by Messrs. Srinivasiengar and Syed Amir Hassan were withdrawn by them.

CLAUSE 78.

MR. K. P. PUTTANNA CHETTY.—Sir, I beg to propose that the words added by the Select Committee to this clause be deleted.

MR. C. SRINIVASIENGAR.—I second the amendment.

MR. B. NAGAPPA.—It is better to keep the clause as it is, as by following the irregular procedure, the interests of the party will be affected.

MR. A. RANGASWAMI IYENGAR.—The general saving clause is not to be mutilated in the way in which it has been. Whether a party should be punished or not is a different question. So I think the words inserted by the Select Committee may be omitted.

PRESIDENT.—The informality will not invalidate the order.

The amendment proposed was put to the Council and was carried.

CLAUSE 79, SUB-CLAUSE (1).

MR. K. P. PUTTANNA CHETTY.—Sir, I beg to propose that the words "intended pursuance" occurring in the original sub-clause but omitted by the Select Committee be retained.

MR. A. RANGASWAMI IYENGAR.—I second the motion.

MR. M. C. RANGIENGAR.—Because the words "good faith" appear, these words were considered unnecessary.

MR. RANGASWAMI IYENGAR.—I think the section as proposed to be amended gives greater protection.

MR. RANGIENGAR.—I beg to oppose the amendment.

The amendment was put to the Council and carried, the votes being 7 *for* and one *against*, others not voting.

CLAUSE 79, SUB-CLAUSE (3).

Proposed by Mr. Puttanna Chetty and seconded by Mr. Srinivasiengar that the original wording of the clause be restored.

This was approved by the Council.

CLAUSE 79, SUB-CLAUSE (4).

Proposed by Mr. Puttanna Chetty and seconded by Mr. Srinivasiengar that this sub-clause which has been deleted by the Select Committee be restored.

This was also approved by the Council.

MR. K. P. PUTTANNA CHETTY.—Sir, I beg to propose that the Police Bill as now amended by this Hon'ble Council be taken into consideration and passed at a subsequent meeting of the Council.

MR. B. NAGAPPA.—I second the motion.

PRESIDENT.—The date of the next meeting will be announced later on. It may be about the first week of June.

MR. B. NAGAPPA.—May I suggest that the bill as now amended be printed and circulated among the members.

MR. RANGASWAMI IYENGAR.—As the bill will not be published in the *Mysore Gazette* till it is passed into law, I think the final corrected proof may be sent to the Members, so that they may point out any corrections that may be found necessary.

The meeting was declared dissolved by the President.

V. P. MADHAVA RAO,
President.

Note.—The portions within heavy brackets are the deleted portions of the original bill and those in italics are newly inserted.

THE MYSORE POLICE BILL.

(*As amended by the Select Committee.*)

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26. (1) Punishment of Police officers departmentally for neglect of duty, etc.
(2) Punishment under this section to be in addition to penalty under Section 33, [58] 57 or [59] 58.
(3) Punitive powers of Inspector-General and Deputy Commissioner.
27. (1) Procedure to be observed in awarding punishment.
(2) Appeals.
28. (1) Departmental punishment for insubordination.
(2) Procedure to be observed in awarding such punishment.
29. Police officers to be deemed to be always on duty and to be liable to employment in any part of Mysore.
30. (1) Police officer not to engage in trade, etc.
(2) Police officers not to be employed on other than Police duties.
(3) These prohibitions to apply also when Police officer is on leave or under suspension.
31. (1) Under what conditions Police officer may resign.
(2) Proviso.
(3) Arrear pay of Police officer contravening this section may be forfeited.
32. (1) Certificate, arms, etc., to be delivered up by person ceasing to be Police officer, and
(2) If not delivered up may be seized under search warrant.
(3) Saving of certain articles.
33. (1) Penalty for making false statement, etc., and
(2) For misconduct of Police officers.
(3) Consequence of failure to return to duty after leave.
34. Penalty for failure to deliver up certificate of appointment or of office or other article.

CHAPTER IV.

POLICE REGULATIONS.

35. Power of Government to make orders in matters under Section 144 of Criminal Procedure Code.
[36] 35. (1) Rules may be made by District Magistrate regarding use of streets, etc.
(2) Manner of publication of such rules.
(3) Rules under clause (1) (*k*) to be reported to Government.
[37] 36. Discontinuance of brothels.
[38] 37. District Magistrate, etc., may authorise Police officer to enter common gaming-house.
[39] 38. (1) Issue of orders by Magistrates for prevention of disorder.
(2) Orders by subordinate Magistrates to be communicated to District Magistrate.
[40] 39. Issue of orders by Magistrate of District for prevention of riot or grave disturbance of peace.

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[41.] 40. (1) Issue of orders by Magistrate of District for maintenance of order at religious ceremonials, etc.
(2) Orders to be subject to decrees, etc., of Courts.

[42.] 41. (1) District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, etc.
(2) Levy of fees in such cases.
(3) Recovery of expenses from Municipalities.

[43.] 42. Dispersal of gangs and bodies of persons.

[44.] 43. (1) Police to provide against disorder, etc., at public places of amusement and public meetings.
(2) Police to have free access thereto.

[45.] 44. (1) *Issue of licenses for the conduct of processions.*
~~(2) Appeals against orders granting or refusing such licenses.~~

[1] (3) Police to regulate assemblies, etc., in public streets.
[2] (4) Manner of publication of such rules and orders.
[3] (5) Powers with regard to assemblies, etc., violating such rules or orders.
[4] (6) Assembly violating such orders to be deemed unlawful assembly.

[46.] 45. (1) Provisions as to dogs.
(2) When dogs may be destroyed or sold by Police.
(3) How expenses may be recovered.
(4) Provision in case of dog wearing collar with owner's address.

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

[47.] 46. (1) Duties of Police officer.
(2) Power to enter places of public resort without warrant.
(3) Power to search suspected persons in the streets.

[48.] 47. Duties of Police officers towards the public.

[49.] 48. (1) (*a*) Police to regulate traffic, etc., in streets; and
(*b*) to keep order in streets and other public places; and
(*c*) to regulate resort to public places.
(2) Persons bound to conform to reasonable orders of Police.
(3) Police officer may restrain or remove contumacious person.

[50.] 49. Enforcement of orders issued under Sections [39,] 38, [40] 39 or [41] ~~or 40.~~

[51.] 50. Duty of Police to see orders issued under Section [42] 41 or [43] 42 carried out.

[52.] 51. Police officer may take charge of stray cattle.

[53.] 52. Duty of Police with regard to unclaimed property.

[54.] 53. Superior Police officer may himself perform duties imposed on his inferior, etc.

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

[55.] 54. Punishment of certain street offences and nuisances;
(*a*) driving on dark nights without light;
(*b*) disregarding rule of road;
(*c*) leaving cattle, etc., insufficiently tended;
(*d*) causing obstruction or mischief by animals;
(*e*) exposing animals for hire or sale, etc.;
(*f*) causing any obstruction in street;
(*g*) obstructing foot-way;
(*h*) exhibiting mimetic, musical or other performances, etc.;
(*i*) gambling in street;
(*j*) doing offensive acts on or near public streets;
(*k*) letting loose horses, etc., and suffering ferocious dogs to be at large;
(*l*) bathing or washing in place not set apart for those purposes;
(*m*) defiling water in public wells, etc.;
(*n*) obstructing bathers;
(*o*) behaving indecently in public;
(*p*) being drunk and incapable;
(*q*) obstructing or annoying passengers in streets;
(*r*) misbehaviour with intent to provoke breach of peace;
(*s*) begging and exposing offensive ailments;
(*t*) throwing dirt into street;
(*u*) neglecting to protect dangerous places;

SECTION.

(*v*) affixing bills or defacing walls;
(*w*) soliciting for prostitution;

57 [56.] 55. Punishment for cruelty to animals.
58 [57.] 56. Penalty for refusal to serve as Special Police officer.
59 [58.] 57. Penalty for vexatious search, arrest, etc., by Police.
60 [59.] 58. Penalty for vexatious delay in forwarding person arrested.
61 [60.] 59. Penalty for contravention of rules under Section [36,] 35 or of directions under Section [49] 48.
62 [61.] 60. Penalty for failure to comply with order under Section [37] 36.
63 [62.] 61. (1) Penalty for opening, etc., common gaming-house.
(2) Penalty for being found gaming in common gaming-house.
64 [63.] 62. Instruments of gaming may be ordered to be destroyed on conviction.
65 [64.] 63. Indemnification of witnesses.
66 [65.] 64. Saving of games of skill.
67 [66.] 65. Payment of portion of fine to informer or Police.
68 [67.] 66. Penalty for setting birds and animals to fight in public street or place.
69 [68.] 67. Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.
70 [69.] 68. Penalty for contravention of rules or directions under Sections [39,] 38, [40,] 39, [41,] 40, [44] 43 and [45] 44.
71 [70.] 69. Penalty for contravention of regulation made under Section [42] 41.
72 [71.] 70. Penalty for contravention of direction given under Section [43] 42.
73 [72.] 71. Penalty for opposing or not complying with direction given under Section [50] 49.
74 [73.] 72. Jurisdiction when offender is Police officer above the rank of constable.
75 [74.] 73. Prosecution instituted for certain offences against Regulation to be at discretion of Police.
76 [75.] 74. Prosecution for offences under other enactments not affected by Regulation.

CHAPTER VII.

MISCELLANEOUS.

77 [76.] 75. Disposal of rewards, etc., payable to Police officers.
[77. No Municipal or other rates to be payable by Government on Police buildings.]
78 [78.] 76. (1) Power of Government to make rules.
(2) Surveillance, etc., of criminal gangs.
(3) Publication of rules.
(4) Penalty for breaches of rules.
79 [79.] 77. Method of proving orders and notifications issued under Regulation.
80 [80.] 78. Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.
81 [81.] 79. (1) No Magistrate or Police officer to be liable to penalty or damages for act done in good faith in pursuance of duty.
(2) No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.
(3) Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if instituted after one year.
(4) Tender of amends.
82 [82.] 80. Regulation not to affect any law relating to Municipality.

SCHEDULE A.—Enactments repealed.

SCHEDULE B.—Forms of certificates of appointment for Inspector and for Police officer below the grade of Inspector.

THE MYSORE POLICE BILL.

~~(As amended by the Select Committee.)~~

A Bill to Consolidate and amend the Law relating to the Police of Mysore.

Whereas it is expedient to consolidate and amend the law relating to the Police of Mysore: His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. (1) This Regulation may be cited as the Mysore Police Regulation, 190 .

Extent.

(2) It extends to the whole of Mysore; and

Commencement.

(3) It shall come into force at once.

Repeal of enactments.

2. The enactments mentioned in Schedule A are repealed to the extent specified in the third column thereof.

All references made in any enactment in force to any enactment hereby repealed shall be read as if made to the corresponding portion of this Regulation.

All rules prescribed, appointments made, powers conferred, and orders and certificates issued under any such enactments shall, so far as they are consistent with this Regulation, be deemed to have been respectively prescribed, made, conferred and issued hereunder.

Rules as to Village Police.

3. (1) The Government may, from time to time, by notification in the official Gazette make rules having the force of law regarding the organization and regulation of the village Police in Mysore and may cancel, alter or add to such rules; and the Government may, by such rules, among other matters,

(i) provide, *subject to the provisions of* ~~the Village Offices Regulation,~~ any law or rules in force relating to village offices, for the entertainment of such village headmen, village watchmen, totis, talaris, and other establishments of village Police as may be necessary for each village or place, the appointment of permanent, temporary or acting incumbents for the said offices, and their remuneration;

(ii) define the relations of members of the village Police to one another and to the regular Police;

(iii) prescribe the powers and duties of village Police officers of different grades as regards the collection and communication of intelligence ~~[regarding]~~ *relating to* the condition of the community, the state of crime, the commission of offences, the occurrence of suspicious or unnatural deaths, and the like, *and as regards* the execution of processes, the apprehension of offenders or suspicious characters, the conduct of searches, the holding of inquests, the custody and disposal of unclaimed property, the investigation of offences, the examination of witnesses, the taking of precautionary measures against dangers to the public health, peace or safety,

the maintenance and charge of village boundary hedges and walls, gates, Chavadi and other buildings, and other matters;

(iv) require the inhabitants of villages to aid the village Police, when called upon to do so, in keeping watch and patrolling their villages at night, in preventing or resisting robbery or other cognizable offences, in pursuing or apprehending offenders, in the recovery of stolen property, in the maintenance of village fences and village gates in good order, and in carrying out other communal purposes of a like nature;

(v) define the ordinary powers of village headmen and the powers with which village headmen may be specially invested, in respect of the trial and punishment of offenders, and the procedure to be followed in the exercise of such powers;

(vi) provide for the punishment departmentally or otherwise of members of the village Police for misconduct or dereliction of duty; and

(vii) attach to the breach of any rule under this section a penalty on conviction before a Magistrate not exceeding one hundred rupees.

(2) Until such rules shall be made and published as aforesaid, the "Rules for the organization and regulation of the village Police in Mysore," published under the Notification of the Government of India, Foreign Department, No. 230 J., dated the 16th October 1872, and as subsequently amended from time to time, shall continue to be in force, and shall be deemed to be rules made under this section.

Definitions.

4. In this Regulation, unless there be something repugnant in the subject or context:—

"Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent," and "Assistant Superintendent."

(a) "Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent" and "Assistant Superintendent" mean, respectively, the Inspector-General of Police, a Deputy Inspector-General of Police, an Assistant Inspector-General of Police, a District Superintendent of Police and an Assistant Superintendent of Police appointed under this Regulation;

"District Superintendent."

(b) "District Superintendent" includes any Assistant Superintendent or other person appointed by general or special order of the Government to perform all or any of the duties of a District Superintendent of Police under this Regulation in any district or part of a district;

"Inspector."

(c) Subject to such rules and orders as the Government may pass, "Inspector" includes "Sub-Inspector" and "Jamadar;"

"Police Officer."

(d) "Police Officer" means any member of the regular Police force appointed under this Regulation;

"Constable."

(*e*) "Constable" means a Police officer of the lowest grade;

"District."

(*f*) "District" means a territorial division constituting a district for the purposes of the Mysore Land Revenue Code, 1888, and includes a portion of a district placed under the charge of a District Superintendent for the purposes of this Regulation;

"Taluk" and "Sub-Taluk."

(*g*) "Taluk" and "Sub-Taluk" mean, respectively, the local limits within which an Amildar and a Deputy Amildar ordinarily exercise revenue jurisdiction under the Mysore Land Revenue Code;

"Street."

(*h*) "Street" includes any highway and the way over any causeway, bridge, viaduct or arch, and any road, lane, footway, square, court, alley, or passage accessible to the public, whether a thoroughfare, or not;

"Common gaming-house."

(*i*) "Common gaming-house" means any building, enclosure, room ~~[or]~~ place, *or vehicle* in which, cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, or keeping such building, enclosure, room ~~[or]~~ place, whether by way of charge for the use of instruments of gaming, or of the building, enclosure, room ~~[or]~~ place, or otherwise howsoever;

"Cattle."

(*j*) "Cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

"Vehicle."

~~[k]~~ (*k*) "*Vehicle*" *includes bicycles, tricycles, motor cars and every wheeled conveyance*;

Words and expressions defined in the Criminal Procedure Code.

(*l*) Words and expressions which are defined in the Code of Criminal Procedure have the same meaning as in that Code.

CHAPTER II.

ORGANIZATION OF THE REGULAR POLICE.

Constitution of Police force.

5. The entire Police establishment under the Government shall, for the purposes of this Regulation, be deemed to be one Police force and shall consist of such number of officers and men, and shall be enrolled and constituted in such manner, and receive such pay, as shall from time to time be ordered by Government.

Appointment of Inspector-General of Police;

6. (1) The Government may appoint an Inspector-General of Police for the direction and supervision of the Police force in Mysore.

and of Deputy or Assistant Inspector-General.

(2) The Government may appoint one or more Deputy or Assistant Inspectors-General of Police, to whom Government may assign such duties being amongst the lawful duties of the Inspector-General of Police, or in aid and furtherance thereof, as shall to Government seem expedient.

Their suspension or removal.

(3) The Inspector-General and Deputy or Assistant Inspector-General may be suspended or removed from office by Government.

Appointment of District and Assistant Superintendents.

7. The Government may appoint for each district such Superintendents and Assistant Superintendents of Police as it may think expedient, and may dismiss, suspend, reduce, remove or transfer any of such officers as it may think fit.

Appointment of Inspectors.

8. The appointment of Inspectors shall, subject to the rules and orders of Government, vest in the Inspector-General.

Appointment of Police officers below the grade of Inspector.

9. Police officers below the grade of Inspector shall be appointed in each district by the Deputy Commissioner [and] *or by* the District Superintendent, subject to such rules as the Government may from time to time prescribe.

Certificates of appointment to be given to Inspectors.

10. (1) An Inspector shall, on appointment, receive from the Inspector-General a certificate of appointment in Form I of Schedule B. *Such certificate shall become null and void whenever the person named therein ceases for any reason to be an Inspector and shall be forthwith surrendered by him.*

Certificates of office to be given to Police officers below the grade of Inspector.

(2) Every Police officer below the grade of Inspector shall, on enrolment, receive a certificate in Form II of Schedule B, from the Deputy Commissioner of the District in which he is enrolled.

Such certificates when to become null and void.

[11 (2) (a)] (3) Every certificate of [appointment] *enrolment* shall become null and void whenever the person named therein ceases for any reason to be a Police officer and shall be forthwith surrendered by him to any officer empowered to receive the same.

Powers, etc., of persons appointed as aforesaid.

11. (1) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a Police officer.

Temporary suspension of powers, etc., of Police officers.

(2) [(b)] A Police officer shall not, by reason of his being suspended from office, cease to be a Police officer, but during the term of such suspension, the powers, functions and privileges vested in him shall be in abeyance and he shall continue subject to the same responsibilities and subject to the same auhorities as if no such suspension had taken place.

General powers of the Inspector-General.

12. The Inspector-General shall be the head of the Police Department [and the adviser of Government in all matters connected with the Police.] He will exercise general control over the Police force and over crime—more particularly, organized and professional crime—and subject to the approval of Government he may make rules and orders under the provisions of Sections 24 and 25 of this Regulation.

Inspector-General to have magisterial powers; and to exercise them subject to limitations imposed by Government.

13. The Inspector-General of Police shall have the powers of a Magistrate of the 1st Class throughout Mysore, but shall exercise such powers *only in such cases and* subject to such limitations as may from time to time be imposed by Government.

General powers of Deputy Commissioner.

14. Subject to the general control of the Inspector-General, the Deputy Commissioner shall be the head of the Police in his district, and shall, as such, direct and regulate all matters connected with the efficient discharge of their duties by the Police force of his district.

Powers of Superintendent.

15. (1) Subject to such rules and orders as may be made by Government in this behalf, and to the general control of the Deputy Commissioner, the District Superintendent may exercise all or any of the powers of the Deputy Commissioner under this Regulation; and without prejudice to the powers and responsibility of the Deputy Commissioner, the District Superintendent shall have direct control over all ordinary matters connected with :—

(a) Arms, accoutrements, clothing;

(b) Drill, exercise;

(c) Observation and surveillance of gangs, [K. Ds] *known depradators*, suspects; collection and communication of intelligence and information; identification of persons by finger prints or otherwise;

(d) distribution of duties and beats;

(e) education of men and officers in law [s; orders, and modes of], Police Procedure; and

(f) all other ordinary matters of a routine nature;

and may correspond direct with the Inspector-General in ordinary matters connected arms, accoutrements, clothing, drill and discipline, escorts, reports and returns, identification of persons by finger prints or otherwise, and other routine matters.

Powers of Amildar, Deputy Amildar and Inspector.

(2) Subject as aforesaid, the Amildar and Deputy Amildar shall be *ex-officio* Police officers within their revenue charges and shall have general powers of control over the Police and be responsible for the prevention and detection of crime and maintenance of order within such charges; and the Inspector shall be the executive head of the Police within his range, subject to the general control and direction of the Amildar or Deputy Amildar.

Deputy Commissioner may make necessary distribution of Police force.

16. Subject to the approval of the Inspector-General, the Deputy Commissioner may make such distribution or movement of the allotted Police force within his jurisdiction as may be found necessary to meet local requirements.

Appointment of Special Police officers.

17. When it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place or is reasonably apprehended and that the Police force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred, or is apprehended, it shall be lawful for [any] *the nearest* Magistrate in the neighbourhood, on the application of any Police officer having authority in the place, not below the rank of officer in charge of Police Station, to

appoint, by a written order signed by himself and sealed with his official seal, so many of the *fit and capable male* residents of the neighbourhood as may be required to act as Special Police officers for such time and within such limits as he shall deem necessary.

Powers and responsibilities of Special Police officers.

(2) Every Special Police officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer; but it shall not be necessary for him to receive a certificate of office under Section 10.

Employment of additional Police at request of persons showing the necessity therefor.

18. (1) The Inspector-General, or the Deputy Commissioner subject to the approval of the Inspector-General, may, on the application of any person showing the necessity therefor, depute any additional number of Police to keep the peace or to perform other Police duties at any place within ~~[their respective]~~ *his* jurisdiction.

Cost thereof.

(2) Such additional Police shall be *employed* at the charge of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as may be deemed necessary.

Proviso regarding relief from cost.

(3) Provided that, if the person upon whose application such additional Police are employed shall at any time make a written requisition to the Inspector-General or the Deputy Commissioner for the withdrawal of the said Police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as such officer shall determine.

Employment of additional Police near large works.

19. (1) Whenever it shall appear to the Inspector-General or the Deputy Commissioner that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any Railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place, necessitates the employment of additional Police at such place, such officer may, with the sanction of Government, depute such additional Police to the said place and keep the said Police employed there for so long as he shall consider necessary.

Cost thereof.

(2) Such additional Police shall be *employed* at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, at such rates and payable at such times as the Deputy Commissioner, with the sanction of Government, may prescribe.

Dispute as to payments of cost.

20. In the event of any dispute in any case under section 18 or section 19, the decision of the Deputy Commissioner shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may be levied as if it were an arrear of Land Revenue.

Employment of additional Police in cases of special danger to public peace.

21. (1) The Government may, from time to time, by notification duly published, direct the employment of additional Police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the Police.

Cost thereof.

(2) The cost of such additional Police shall, if Government so direct, be either in whole or in part defrayed by a tax imposed on the persons herein below mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate in such proportions as the Government may fix, and charged—

(*a*) either generally on all persons who are inhabitants of the local area to which such notification applies; or

(*b*) specially on any particular section or sections or class or classes of such persons;

Explanation.—For the purposes of this section and of Section ~~[21]~~ ~~22~~ "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents or revenue, direct from raiyats or occupiers in such area, notwithstanding that they do not actually reside therein.

Extension of period for payment of cost.

(3) It shall be lawful for Government to extend the period for the payment of such tax or rate for a term not exceeding in any case five years beyond the period for which such additional Police are actually employed.

Assessment of cost.

(4) The said tax shall be imposed, or the said rate shall be assessed, by the Deputy Commissioner at his discretion.

Exemption from liability to bear cost.

(5) It shall be lawful for Government, by order, to exempt any persons from liability to bear any portion of such cost.

Application for compensation for injury caused by misconduct of inhabitants or unlawful assembly.

22. (1) If death or grievous hurt or loss of or damage to property has been caused by or has ensued from the misconduct of the inhabitants or any class or section of them in any area referred to in the preceding section or by anything done in the prosecution of the common object of an unlawful assembly, it shall be lawful for any person or persons who claim to have suffered injury from such misconduct or act to make, within [one month] ~~three months~~ from the date of the injury ~~[or such shorter period as may be prescribed]~~ an application to the Deputy Commissioner for compensation.

Compensation how recoverable.

(2) With the previous sanction of Government obtained through the Inspector-General, the Deputy Commissioner may—

(*a*) after such enquiry as he deems necessary,

(i) determine the amount of the compensation which should be paid to such person or persons, and

(ii) declare the local area, the inhabitants of which have, in his opinion, by their conduct caused or contributed *to such disturbed or dangerous state or* to the holding of such assembly;

(*b*) recover the amount so determined, in such proportions as he may think proper, from all or any of the inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons;

(*c*) award or apportion all or any moneys so recovered to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage ~~or~~ death or grievous hurt aforesaid.

Exemption from liability to pay compensation.

(3) It shall be lawful for Government, by order, to exempt any person from liability to pay any portion of such compensation.

Conditions under which compensation recoverable.

(4) No recovery shall be made and no compensation shall be granted under this section unless the Deputy Commissioner is satisfied that the person claiming compensation is himself free from ~~[claim]~~ *blame*, in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid.

Orders of Deputy Commissioner subject to revision.

(5) Every declaration, assessment and order made by the Deputy Commissioner under sub-section ~~(1)~~ (2) shall be subject to revision by Government or by such officer as it from time to time empowers in this behalf, but save as aforesaid shall be final.

Bar to maintaining civil suit.

(6) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been ~~granted and received~~ awarded under this section.

Recovery of rates and charges under Sections ~~[20] 21 and [21] 22~~ by Deputy Commissioner.

23. Every tax imposed or rate assessed or amount recoverable by the Deputy Commissioner under the last two preceding sections or other provision of this Regulation shall be recovered by the Deputy Commissioner as if it were an arrear of land revenue due by the person answerable therefor.

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

Framing of rules for administration of Police.

24. Subject to the orders of Government, the Inspector-General may, from time to time, make rules or orders not inconsistent with this Regulation or with any other enactment at the time in force—

(*a*) relating to the recruitment, organization, classification and discipline of the Police;

(*b*) regulating the inspection of the Police by his subordinates;

(*c*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police;

(*d*) for the institution, management and regulation of any Police fund for any purpose connected with the Police administration;

(*e*) regulating the distribution, movement and location of the Police;

(*f*) regulating the duties of Police officers of different grades;

(*g*) regulating the collection and communication by the Police of intelligence and information, and the investigation of crime;

(*h*) prescribing the books and registers to be maintained and the returns to be submitted by the several Police officers;

(*i*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

Inspector-General may make inspections and call for returns, etc.

25. The Inspector-General ~~[of Police]~~ may, subject to the rules and orders of Government, make periodical inspections of Police establishments and stations, and require from the District Superintendent and from the Deputy Commissioner and other officers subordinate to him, returns, reports and statements, either particular or general, on subjects connected with the suppression of crime, the condition of the criminal classes, the maintenance of ~~[the]~~ order and the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police force, the utilization of auxiliary means, the performance by the Police of their duties, and all other matters in furtherance of his control of the Police force.

Punishment of Police officers departmentally for neglect of duty, etc.

26. (1) Any officer authorized by sub-section (3) in that behalf may suspend, reduce or dismiss any Police officer whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty, or unfit for the same, and may fine, to an amount not exceeding one month's pay, any Police officer below the grade of Assistant Superintendent who is guilty of any breach of discipline or misconduct which does not require his suspension or dismissal, or who, by any act of his own, renders himself unfit for the discharge of his duty.

Punishment under this section to be in addition to penalty under Section 33, ~~[58] 57 or [59] 58.~~

(2) Any punishment inflicted on a Police officer under this section shall be in addition to the penalty to which such officer is liable under Section 33, ~~[58] 57 or [59] 58~~ of this Regulation or any other law in force.

Punitive powers of Inspector-General and Deputy Commissioner.

(3) The Inspector-General shall have authority to punish any Police officer below the grade of Assistant Superintendent ~~[under Sub-Section (1)]~~. The Deputy Commissioner and the District Superintendent shall have each the like authority in respect of any Police officer subordinate to him below the grade of Inspector; and the Deputy Commissioner may suspend an Inspector who is subordinate to him, pending inquiry into ~~[a]~~ *any* grave complaint against such Inspector and until an order of the Inspector-General can be obtained. But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by Government in that behalf.

Procedure to be observed in awarding punishment.

27. (1) When any officer passes an order for fining, suspending, reducing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature in Kanarese or in English, *and signed by him.*

~~[(2) In regard to appeals against the orders aforesaid, the final authority in the case of constables, shall be the Inspector-General, and in the case of all other officers, appeals may lie to Government.]~~

Appeal.

(2) *From all orders passed by the District Superintendent under sub-section (1), an appeal shall lie to the Deputy Commissioner. From ~~the~~ order of the Deputy Commissioner an appeal shall lie to the Inspector-General. In the case of all officers above the rank of constables, a further appeal shall lie to Government.*

Departmental punishment for insubordination.

28. (1) The Inspector-General or the Deputy Commissioner or ~~any~~ District Superintendent, ~~[or Assistant Superintendent]~~ may punish by confinement for a period not exceeding three days, any Police officer below the rank of jamadar or head constable who is, in his presence, grossly insubordinate or who is insolent to him.

Procedure to be observed in awarding such punishment.

(2) Every order for punishing a Police officer as aforesaid shall be recorded in the manner prescribed in Section 27, and a copy of every such order made by a Deputy Commissioner *or* District Superintendent ~~[or Assistant Superintendent]~~ shall be forwarded by him without delay to ~~his immediate superior~~ the Inspector General or the Deputy Commissioner as the case may be.

Police officers to be deemed to be always on duty and to be liable to employment in any part of Mysore.

29. Every Police officer shall, for all purposes of this Regulation, be deemed to be always on duty and may at any time be transferred to or employed on Police duty in any part of Mysore for so long as his services may be there required.

Police officer not to engage in trade, etc.

30. (1) Without the permission of the Deputy Commissioner or the Inspector-General, or of Government, no Police officer shall engage in trade or be in any way concerned, either as principal or as agent, in any dealing in land within the district wherein he is employed or in any commercial transaction whatever, or bid for property sold by order of a Criminal Court, or have money transactions with another Police officer.

Police officers not to ~~[be employed]~~ *engage* on other than Police duties.

(2) No Police officer shall, unless with the written permission of the Inspector-General, hold any office, or practice in any profession, or engage in any employment whatever, other than his office or duties as such Police officer.

These prohibitions to apply also when Police officer is on leave or under suspension.

(3) The prohibitions in sub-sections (1) and (2) apply when a Police officer is on leave or under suspension as well as when he is on duty.

Under what conditions Police officer may resign.

31. (1) Unless with the written permission of the Deputy Commissioner or of some other Police officer empowered by the Inspector-General in this behalf, no Police officer of or below the rank of Inspector shall resign his office or withdraw himself from the duties thereof until—

(a) the expiration of two months after written notice of his intention so to do has been given by him to the Deputy Commissioner; and until—

(b) he has fully discharged any debt due by him, as such Police officer, to Government or to any Police fund.

Proviso.

(2) Provided that, if any such Police officer produces a certificate signed by the principal Medical officer in the district declaring him to be unfit, by reason of disease or mental or physical incapacity, for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as aforesaid.

Arrear pay of Police officer contravening this section may be forfeited.

(3) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the Deputy Commissioner, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under Section 33 of this Regulation or other law in force.

Certificate, arms, etc., to be delivered up by person ceasing to be Police officer, and

32. (1) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Deputy Commissioner to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

if not delivered up, may be seized under search warrant.

(2) Any Magistrate and, for special reasons which shall be recorded in writing at the time, any District Superintendent may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, by a Police officer or, if the Magistrate or District Superintendent issuing the warrant so directs, by any other person.

Saving of certain articles.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalty for making false statement, etc.,

33. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or

and for misconduct of Police officers.

(2) any Police officer who—

(*a*) contravenes any provision of Section 30, or

(*b*) is guilty of cowardice, or

(*c*) resigns his office or withdraws himself from the duties thereof in contravention of Section 31, or

(*d*) is guilty of any wilful breach, or neglect of any provision of law or of any rule or order which, as such Police officer, it is his duty to observe or obey, or

(*e*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall *on conviction before a Magistrate* be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave.

(3) A Police officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave, shall, for the purposes of clause (*c*), be deemed to withdraw himself from the duties of his office within the meaning of Section 31.

Penalty for failure to deliver up certificate of appointment or of office or other article.

34. Any Police officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of Section 32, shall *on conviction before a Magistrate* be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

CHAPTER IV.

POLICE REGULATIONS.

Power of Government to make orders in matters under Section 144 of Criminal Procedure Code.

~~35. It shall be competent for the~~ Government ~~to~~ make by notification, any order which, if made by a Magistrate under Section 144 of the Code of Criminal Procedure, could be continued in force by Government under ~~the said section.~~

Rules may be made by District Magistrate regarding use of streets, etc.

~~[36] 35.~~ (1) In any town or other place in which he thinks fit, the Magistrate of the District, may, from time to time and subject to such orders as may have been made by a Municipal or other authority empowered in that respect, make rules or orders—

(*a*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause with such exceptions as shall appear reasonable;

(*b*) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*c*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(*d*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*e*) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the streets or along certain specified streets, except ~~[subject to]~~ *under* such reasonable regulations as he may prescribe in that behalf;

(*f*) prohibiting the setting fire to or burning any straw or other matter, or ~~[letting]~~ *lighting* a bonfire or wantonly discharging a fire-arm or air-gun, or ~~lighting off~~ or throwing a fire-work or sending up a fire-balloon in or upon or within fifty feet of a street or building, or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except ~~[subject to]~~ *under* such reasonable regulations as he may prescribe in that behalf;

(*g*) prohibiting, except under such reasonable regulations as he may impose, the making of any excavation, the placing of building materials or other articles, or the fastening or detention of any horse or other animal in any street;

(*h*) regulating the blasting of rocks or the making of excavations in or near any street, and providing for the taking out of licenses for such operations;

(*i*) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or parts thereof and the corpses of persons [deceased];

(*j*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature;

(*k*) laying down such directions in cases of existing or apprehended epidemic or infectious disease of men or animals with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and [as to] the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been ordered or approved by Government with a view to prevent the disease or to check the spreading thereof;

(*l*) directing the closing or disuse wholly or for certain purposes, or limiting to certain purposes only, the use of any source, supply or receptacle of water; and providing against pollution of the same or of the water therein;

(*m*) regulating the hours during which and the manner in which any place for the disposal of the dead, any chattram, village gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(*n*) regulating the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the Magistrate, special regulations may be necessary for the public safety and convenience.

(2) Every regulation made under clause (*i*) or made under clause (*m*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages, and to the necessities of prompt disposal of the dead in certain cases. ~~The rules [and]~~, *order* ~~and~~ *regulations* made under the several clauses of this section shall be published in one or more of the methods described below, to be determined by the Magistrate of the District with reference to the circumstances of each case :—

Manner of publication of such rules.

(*a*) by delivery of copy ~~[of the rule or order]~~ *thereof* to the ~~[party]~~ *person* concerned,

(*b*) by affixing notice of the same in such language *or languages* as may be found suitable at a conspicuous place or places in or near the building, platform, structure, street, locality, source of supply or receptacle of water, place for disposal of the dead, chattram, village gate, theatre or other place of public resort or amusement,

(*c*) by affixing such notice in the chavadi, Police station or Taluk Cutcherry or in more than one of these places,

(*d*) by publication of the same in the official Gazette, and if the Magistrate so direct, in local newspapers,

(*e*) by beat of tom-tom in such places and at such times as the Magistrate may prescribe.

(3) Every rule promulgated under authority of clause (*k*) of sub-section (1) of this section shall be forthwith reported to Government and shall be in force for not more than ~~[fifteen]~~ *thirty* days unless extended by Government for longer period and in such case for so long as Government directs.

Rules under clause (1) (*k*) to be reported to Government.

(4) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

~~[37.]~~ ~~*36.*~~ On complaint being made to a Magistrate of a District or of a Sub-Division that any house in a town or village in his district or sub-division to which the Government has by notification extended this section is used as a common brothel or lodging-house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period which shall be set forth in the order, to discontinue such use of it.

Discontinuance of brothels.

~~[38.]~~ ~~*37.*~~ If the Magistrate of the District or a First Class Magistrate or the District Superintendent of Police has reason to believe that any building, enclosure, room ~~[or]~~ place *or vehicle* ~~[in any town or village,]~~ is used as a common gaming-house, he may, either himself enter or by his warrant give authority to any Police officer

District Magistrate, etc., may authorise Police officer to enter common gaming-house.

above the rank of a constable to enter with such assistance as may be found necessary, by night or by day and by force, if necessary, any such building, enclosure, room ~~[or]~~ place *or Vehicle* and to arrest all persons found therein, and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gambling, which are found therein, and to search all parts of such building, enclosure, room ~~or~~ place and also the persons found therein.

Issue of orders by Magistrates for prevention of disorder.

~~[39.]~~ *38.*— (1) The Magistrate of the District, or in his absence and subject to his order, any Magistrate of the First Class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, *for reasons which he shall record*, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the carrying, collection and preparation ~~[s]~~ of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, playing of music, delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law, or of a lawful authority.

Orders by subordinate Magistrate to be communicated to District Magistrate.

(2) An order made under this section by a subordinate Magistrate shall be forthwith communicated to the Magistrate of the District, who shall thereupon confirm, cancel or modify the same as shall seem expedient *stating his reasons therefor*.

Issue of orders by Magistrate ~~of the District~~ for prevention of riot or grave disturbance of peace.

~~[40.]~~ *39.* In order to prevent an impending or apprehended riot or grave disturbance of the peace, the Magistrate of the District, or, in his absence and subject to his control any Magistrate of the First Class having local jurisdiction, ~~*subject to the control of the District Magistrate,*~~ may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him.

Issue of orders by Magistrate of District for maintenance of order at religious ceremonials, etc.

~~[41.]~~ *40.* (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition, or organized assemblage, in any street, as to which, or the conduct of or the participation in which, it

shall appear to the Magistrate of the District that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Orders to be subject to decrees, etc., of Courts.

(2) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Magistrate of the District that such order is inconsistent with any judgment, decree, injunction or order of such Court.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, etc.

~~[42.] 41.~~ (1) Whenever it shall appear to the Magistrate of a District, that any place in the district at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by ~~[Police notice]~~ prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom, as he shall deem necessary to prevent the outbreak [of such disease] or the spread [thereof] ~~of such disease~~.

Levy of fees in such cases.

(2) It shall be lawful for the Magistrate of the District, subject to the orders of the Government, to assess and levy such reasonable fees on persons [falling under the provisions of sub-section (1)] ~~repairing to such place~~ as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

Recovery of expenses from municipalities.

(3) When the place of assemblage is within the limits of a municipality such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality.

Dispersal of gangs and bodies of persons.

~~[43.] 42.~~ Whenever it shall appear to the Magistrate of a District or to any Sub-Divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or to create reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself to such place by such route as such Magistrate shall prescribe.

44/-

[41.] 43. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of *the* highest rank superior to that of constable, present in the town or village where such place of amusement is situate or such assembly or meeting is to be held, may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

Police to provide against disorder, etc., at public places of amusement and public meetings.

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(2) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

Police to have free access thereto.

45. The District Magistrate, any first class Magistrate, any Amildar or Deputy Amildar may, within the local limits of his jurisdiction regulate and control by the grant of licenses or otherwise the conduct of all assemblies and processions.

[45.] 44. (1) *It shall be lawful for the City Magistrates in Bangalore and Mysore and for the Amildars elsewhere and also for any other officers specially authorised by Government to issue licenses for the conduct of processions, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or along a street within their respective jurisdictions.*

Issue of licenses for the conduct of processions.

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(2) *An appeal shall lie to the District Magistrate from an order granting or refusing a license under sub-section (1) and a further appeal to Government.*

Appeal against the orders granting or refusing such licenses.

46 (1)

[1](3) Any officer of Police not below the grade of an Inspector may, subject to any rule or order which may at any time be legally made by any Magistrate, or other authority duly empowered in this behalf—

Police to regulate assemblies, etc., in public streets.

(*a*) make rules for and direct the conduct of and behaviour or action of persons constituting assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which the same may pass; [and issue licenses therefor;]

[(*b*) regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street;]

[(*c*)] (*b*) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under Sections [36 to 43] 35 to 42 of this regulation.

36 to 43 and 45.

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[(2)] (4) Every rule and order made under *sub-section* (1) *of* this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.

Manner of publication of such rules and orders.

Powers with regard to assemblies, etc., violating such rules or orders.

~~[(3)] (5)~~ Any Magistrate or any Police officer not below the *rank of an* officer in charge of a Police station may stop any procession which violates any ~~such~~ license, rule or order, and may order it or any assembly, moving crowd or assemblage which violates any such license, rule or order to disperse.

Assembly violating such orders to be deemed unlawful assembly.

~~[(4)] (6)~~ Any procession or assembly or moving crowd or assemblage which neglects or refuses to obey any such license, rule or order ~~given under [the last preceding sub-section]~~ ~~*this section*~~ shall be deemed to be an unlawful assembly.

Provisions as to dogs.

~~[46]. *45.*~~ (1) The Magistrate of the District, may, by public notice, extending to such place or places within the district as shall therein be named, require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the Police may, except as is hereinafter in sub-section (2) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner claims it, provides a proper muzzle, and pays all expenses connected with such detention.

When dogs may be destroyed or sold by Police.

(2) The Police shall not destroy any dog which wears a collar bearing a known owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

How expenses may be recovered.

(3) For the expenses incurred under the preceding sub-sections the owner of the dog shall be answerable as for an arrear of land revenue.

Provision in case of dog wearing collar with owner's address.

(4) When any dog taken possession of by the Police wears a collar with the apparently genuine address of any person inscribed thereupon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address.

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

Duties of Police officer.

~~[47.] *46.*~~ (1) Every Police officer shall—

(*a*) promptly obey and execute every warrant or other order lawfully issued to him by competent authority; and shall by all lawful means endeavour to give effect to the commands of his superior;

(*b*) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and report such information and

take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of offences;

(*c*) to the best of his ability, prevent the commission of public nuisances;

(*d*) apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension there is sufficient reason;

(*e*) aid another Police officer when called on by him or in case of need, in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(*f*) discharge such duties as are imposed upon him by any law relating to revenue or any other law at the time in force ~~or rule having the force of law~~.

Power to enter places of public resort without warrant.

(2) Every Police officer may, subject to the rules and orders made by Government or by a person lawfully authorized, enter for the purpose of sub-section (1) without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking shop, or shop for the sale of intoxicating drugs or a place of resort for prostitutes and disorderly persons.

Power to search suspected persons in the streets.

(3) When in a street or place of public resort a person is suspected to be in possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to Sections 523 and 525 of the Code of Criminal Procedure or other law in force.

Duties of Police officers towards the public.

~~[48.]~~ ~~47~~. It shall be the duty of every Police officer ——

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(*b*) to take prompt measures for procuring necessary help for any person under arrest or in custody, who is wounded or sick, and to have due regard to his condition whilst guarding or conducting him;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(*f*) to use his best endeavours to prevent any loss or damage by fire;

(*g*) to use his best endeavours to avert any accident or danger to the public.

Police to regulate traffic, etc., in streets; and

~~[49.]~~ ~~48~~. It shall be the duty of a Police officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions thereon and, to the best of his ability, to prevent the infraction of any

of the provisions of this Regulation or of any rule or order made thereunder or of any other law in force for observance by the public in or near the streets;

to keep order in streets and other public place; and

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship;

to regulate resort to public places.

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

Persons bound to conform to reasonable orders of Police.

(2) All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of the said duties.

Police officer may restrain or remove contumacious person.

(3) A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under Section ~~[39, 40 or 41]~~ ~~38, 39 or 40.~~

~~[50]~~ ~~49.~~ Whenever a notification has been duly issued under Section ~~[39]~~ ~~38~~ or an order has been made under Section ~~[40]~~ ~~39~~ or ~~[41]~~ ~~40,~~ it shall be lawful for any Magistrate or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification or order as aforesaid and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

Duty of Police to see orders issued under Section ~~[42]~~ ~~41~~ or ~~[43]~~ ~~42~~ carried out.

~~[51]~~ ~~50.~~ It shall be duty of a Police officer to see that every regulation and notification made by the Magistrate of the District under Section ~~[42]~~ ~~41,~~ or by the Magistrate of the District or a Sub-Divisional Magistrate under Section ~~[43]~~ ~~42~~ is duly obeyed, to warn persons who, from ignorance, fail to obey the same, and to arrest any person who wilfully disobeys the same.

Police officer may take charge of stray cattle.

~~[52]~~ ~~51.~~ A Police officer may take charge of any cattle which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of The Cattle Trespass Act.

Duty of Police with regard to unclaimed property.

~~[53]~~ ~~52.~~ The Police shall take charge of all unclaimed property found by or made over to them, and shall forthwith report the same to the Magistrate having local jurisdiction, who shall deal with the property as if it were property falling under Section 523 of the Criminal Procedure Code.

55 [54] ~~53~~. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any other person lawfully acting under his command or authority.

Superior Police officer may himself perform duties imposed on his inferior, etc.

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

56 [~~55.~~]-~~54~~. In any local area to which the Government by notification from time to time extends this section or any part thereof, whoever contrary thereto—

Punishment of certain street offences and nuisances.

(*a*) without lawful excuse drives along, or keeps standing in, any street a vehicle of any description at any time between three-quarters of an hour after sunset and one hour before sunrise, without a sufficient light or lights except when there is sufficient moon-light to render such light unnecessary;

driving on dark nights without light;

(*b*) without reasonable cause, drives, drags, or pushes any vehicle otherwise than on the near or left side of the road, or passes any vehicle except on the right side of it and at any speed higher than what may be prescribed by notification by Government;

disregarding the rule of the road;

(*c*) leaves in any street insufficiently tended or secured any animal or vehicle;

leaving cattle, etc., insufficiently tended;

(*d*) causes obstruction, injury, danger or alarm in any street, or mischief, by any misbehaviour, negligence or ill-usage in the driving, management or care of any animal or vehicle, or drives any vehicle or animal laden with timber, poles or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the District;

causing obstruction or mischief by animals;

(*e*) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impedim[illegible] to traffic or a serious annoyance to residents or to the p[illegible]

exposing animal for hire or sale, etc.;

(*f*) (i) causes obstruction in any street by any animal or vehicle to be loaded or unl[illegible] to take up or set [illegible] gers, to remain or stand therein long[illegible] necessary for such purpose; or by le[illegible] standing or by fastening any cattle th[illegible] part of a street as a halting-place for [illegible] by leaving any box, bale, package or [illegible] ever in or upon a street for an[illegible] time;

causing any obstruction in street;

(ii) or causes obstruction by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever contrary to any regulation made and published by the Magistrate of the District;

obstructing foot-way;

(*g*) causes obstruction on any foot-way, or drives, rides or leaves any animal or drives, drags or pushes any vehicle thereupon;

exhibiting mimetic, musical or other performances, etc.;

(*h*) exhibits, contrary to any regulation made and notified by the Magistrate of the District, any mimetic, musical or other performances of a nature to attract crowds, or carries or places bulky advertisements, pictures, figures, or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned;

gambling in street;

(*i*) assembles with others or joins any assembly ~~gathered~~ in a street [gathered] for the purpose of gaming or wagering;

doing offensive acts on or near public streets;

(*j*) (i) slaughters any animal or cleans a carcass or hide, except in some place set apart for the purpose by order of the District Magistrate or of some other person having lawful authority in that behalf;

(ii) obeys a call of nature or [permits] ~~causes~~ a child to do so, or bathes or washes his person in or near to and within sight of a street, so as to cause annoyance to the neighbouring residents or to passers-by;

letting loose horses, etc., and suffering ferocious dogs to be at large;

(*k*) negligently lets loose any horse or other animal, so as to cause danger, injury, alarm or annoyance to the public, or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal ~~in any street~~ to attack, worry or put in fear any person or animal;

bathing or washing in places not set apart for those purposes;

(*l*) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the District or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nalla or other source or means of water-supply in which such bathing or washing is forbidden by order of the Magistrate of the District or other person having lawful authority in that behalf;

defiling water in public wells, etc.;

(*m*) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or a part of a river, stream, nalla or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid;

obstructing bathers;

(*n*) obstructs or incommodes a person bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart;

(*o*) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office;

behaving indecently in public;

(*p*) is drunk and incapable of taking care of himself in a street or place of public resort;

being drunk and incapable;

(*q*) wilfully pushes, presses, hustles or obstructs any passenger in a street, or disturbs the public peace or order, by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle, or otherwise;

obstructing or annoying passengers in streets;

(*r*) uses in any street any threatening, abusive or insulting words or behaviour or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned;

misbehaviour with intent to provoke breach of peace;

(*s*) begs importunately for alms, or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street;

begging and exposing offensive ailments;

(*t*) throws or lays down any dirt, filth, rubbish, or any stones or building materials in any street, or causes any offensive matter to run from any house, factory, dungheap, or the like, into any street;

throwing dirt into the street;

(*u*) neglects to fence in or duly to protect any well, tank, or other dangerous place or structure;

neglecting to protect dangerous places;

(*v*) without the consent of the owner or occupier, affixes or causes to be affixed any bill, notice or other paper upon any building, wall or fence, or writes upon or defaces or marks any such building, wall or fence;

affixing bills or defacing walls;

(*w*) solicits or molests any passenger *in a street* for the purpose of prostitution;

soliciting for prostitution.

shall be punished with fine which may extend to fifty rupees, provided that imprisonment in default of payment of such fine shall not exceed eight days, notwithstanding anything contained in Section 67 of the Indian Penal Code.

[~~56.~~] ~~55.~~ (1) Whoever cruelly beats, goads, overworks, overloads, ill-treats or tortures, or causes or procures to be cruelly beaten, goaded, overworked, overloaded, ill-treated or tortured any animal, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Punishment for cruelty to animals.

(2) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than

the Second Class, unless such Magistrate be specially invested with jurisdiction for that purpose by the Government.

Penalty for refusal to serve as special Police officer.

[57.] *56.* Any person appointed a special Police officer under Section 17 who, without sufficient excuse, neglects or refuses to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, shall be punished with fine which may extend to fifty rupees.

Penalty for vexatious search, arrest, etc., by Police.

[58.] *57.* Any Police officer who,—

(*a*) without lawful authority or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place; or

(*b*) vexatiously and unnecessarily seizes the property of any person; or

(*c*) vexatiously and unnecessarily detains, searches, or arrests any person; or

(*d*) offers any unwarrantable personal violence to any person in his custody; *or*

(*e*) holds out any threat or promise not warranted by law to an accused person;

shall for every such offence be punished with imprisonment for a term not exceeding two months, or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delay in forwarding person arrested.

[59.] *58.* Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules under Section [36,] *35,* or of directions under Section [49.] *48.*

[60.] *59.* Whoever—

(*a*) contravenes any rule or order made under Section [36,] *35,* or

(*b*) opposes or fails to conform to any direction given by the police under Section [49] *48, or*

(*c*) abets the commission of any offence referred to in clause (*a*) or clause (*b*),

shall be punished with fine which may extend to fifty rupees.

Penalty for failure to comply with order under Section [37.] *36.*

[61.] *60.* Whoever fails to comply with an order made under Section [37] *36,* shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Penalty for opening, etc., common gaming-house.

[62.] *61.* (1) Whoever opens, keeps, or uses or permits to be used any common gaming house, or conducts or assists in conducting the business of any common gaming-house, or advances or furnishes money for gaming therein, shall be punished with [a] *imprisonment not exceeding three months, or with* fine not exceeding two hundred rupees, or *with* both [imprisonment not exceeding three months];

(2) whoever is found gaming or present for the purpose of gaming in a common gaming house, shall be punished with *imprisonment not exceeding one month or with* fine not exceeding one hundred rupees, ~~[or imprisonment not exceeding one month,]~~ or *with* both.

Penalty for being found gaming in common gaming-house.

Explanation 1.—Any cards, dice, gaming-table or cloth, board, or other instruments of gaming found in any building, enclosure, room, ~~[or]~~ place *or vehicle* entered, or searched, under the provisions of Section ~~[38]~~ *37* or on any person found therein shall be evidence that such building, enclosure, room, ~~[or]~~ place *or vehicle* is used as a common gaming house, and that the persons found therein were there present for the purpose of gaming although no play was actually witnessed by a Police officer or others.

Explanation 2.—It shall not be necessary, in order to convict any person keeping a common gaming-house or of being concerned in the management of any gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Explanation 3.—Any person found in any common gaming-house, during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

~~[63.]~~ ~~*62.*~~ On conviction of any person for keeping common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by order of the Magistrate, and such Magistrate may order all *moneys, securities for money*, or any of the other articles seized or the proceeds thereof to be forfeited.

Instruments of gaming may be ordered to be destroyed on conviction.

~~[64.]~~ ~~*63.*~~ Any person who shall have been concerned in gaming contrary to this Regulation, and who shall be examined as a witness before a Magistrate on a trial of any person for a breach of any of the provisions of the Regulation relating to gaming and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Regulation for anything done before that time in respect of such gaming.

Indemnification of witnesses.

~~[65.]~~ ~~*64.*~~ Nothing in Sections ~~[38]~~ ~~*37*~~ and ~~[62]~~ ~~*61*~~ of this Regulation shall be held to apply to games of mere skill wherever played.

Saving of games of skill.

~~[66.]~~ ~~*65.*~~ The Magistrate may award any portion, not exceeding one-half, of any fine which shall be levied under Section ~~[62]~~ ~~*61*~~ of this Regulation, and of the moneys or proceeds of articles seized and ordered to be forfeited under Section ~~[63]~~ ~~*62*~~, to informers or Police officers who may have assisted in the detection of the offenders.

Payment of portion of fine to informer or Police.

~~[67.]~~ ~~*66.*~~ Whoever is found setting any birds or animals to fight in any public street, place or thoroughfare, or is there present aiding and abetting such public fighting of birds and animals, may be arrested by any Police officer without a warrant, and shall be punished

Penalty for setting birds and animals to fight in public street or place.

with imprisonment for a term not exceeding one month or *with* fine not exceeding fifty rupees ~~[or imprisonment for a term not exceeding one month]~~ or *with* both.

~~[68.] 67~~. Whoever is found between sunset and sunrise—

Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.

(1) armed with any dangerous instrument with intent to commit an offence, or

(2) having his face covered, or otherwise disguised, with intent to commit an offence, or

(3) in any dwelling house or any other building, or on board any vessel or boat, without being able satisfactorily to account for his presence there, or

(4) lying or loitering in any street, or other place, being a reputed thief, and without being able to give a satisfactory account of himself, or

(5) having in his possession without lawful excuse any implement of house-breaking,

may be arrested by any Police officer without a warrant, and shall be punished with imprisonment for a term not exceeding three months.

Penalty for contravention of rules or directions under [Sections 39, 40, 41, 44, ~~and 45.~~] ~~38, 39, 40, 43 and 44.~~

~~[69.] 68.~~ Whoever—

(*a*) disobeys an order lawfully made under Section ~~[39, 40 or 41]~~ *38, 39 or 40*,

(*b*) opposes or fails to conform to any direction given by the Police under Section ~~[44,] 43~~ or—

(*c*) opposes and disobeys any rule made or direction given ~~[by the Police]~~ under Section ~~[45,] 44~~ or—

(*d*) contravenes any condition of a license granted under clause ~~[s (*a*) and (*b*)] (1) of the said section~~, or

(*e*) abets the commission of any offence referred to in clause (*a*), (*b*), (*c*), or (*d*), *of this section*,

shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of regulation made under Section ~~[42.] 41~~.

~~[70.] 69.~~ Whoever contravenes or abets the contravention of any regulation made under Section ~~[42] 41~~, shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Penalty for contravention of direction given under Section ~~[43.] 42~~.

~~[71.] 70~~. Whoever opposes or disobeys any direction given by a Magistrate of a District or a Sub-Divisional Magistrate under Section ~~[43] 42~~, or abets opposition to, or disobedience of any such direction, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Penalty for opposing or not complying with direction given under Section ~~50~~.

~~[72.] 71.~~ Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under Section ~~[50] 49~~, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Jurisdiction when offender is a Police officer above the rank of constable.

[73]. ~~72.~~ Offences against this Regulation when the accused person or any one of the accused persons is a Police officer above the rank of constable, shall not be cognizable by a Magistrate below the Second Class.

Prosecution for certain offences against Regulation to be at discretion of Police.

[74]. ~~73.~~ It shall not, except in obedience to a rule or order made by the Government or by the Magistrate of the District, be incumbent on the Police to prosecute for an offence punishable under Section [55, 56, 60, 61, 69, 70, or 71,] ~~54, 55, 59, 60, 68, 69 or 70~~ when such offence has not occasioned serious mischief, and has been promptly desisted from on warning given.

Prosecution for offences under other enactments not affected by Regulation.

[75]. ~~74.~~ Nothing in this Regulation shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Regulation or from being prosecuted and punished under this Regulation for an offence punishable under any other enactment: Provided that all such cases shall be subject to the provisions of Section 403 of the Code of Criminal Procedure.

CHAPTER ~~VIII.~~ VII

MISCELLANEOUS.

Disposal of rewards, etc., payable to Police officers.

[76]. ~~75.~~ All sums paid for the service of process by Police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers or are awarded to them by Magistrates *or granted by officers of Government or others* shall, except as hereinafter in this section provided, be credited to Government: Provided that, with the sanction of Government, or under any rule made by Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to Police officers or other persons.

No Municipal or other rates to be payable by Government on Police buildings.

77. [No Municipal or other local rates shall be payable by the Government on account of the occupation or use of any house or place by members of the Police force for the convenient performance of their duties.]

Power of Government to make rules.

[78]. ~~76.~~ (1) The Government may make rules consistent with this Regulation for more effectually carrying out the objects thereof and may, from time to time, repeal, alter or amend such rules.

Surveillance, etc., of criminal gangs.

(2) Such rules may, among other matters, provide for the registration, surveillance, and control of gangs or classes of persons believed to be addicted to the systematic commission of crime, and for the recording of finger-impressions by the Police of any person who—

(a) is in custody for a non-bailable offence, or

(b) has no settled abode and is suspected to be addicted to crime, or

(c) is a member of a gang or class of persons generally addicted to crime.

Publication of rules.

(3) Every rule under this section shall be published in the official Gazette in English and Kanarese, and shall come into effect ~~[one month]~~ *after two months* from the date of its first publication.

Penalty for breach of rules.

(4) For every breach of any such rule, the offender shall, on conviction, be punished with *imprisonment not exceeding eight days or with* fine not exceeding ten rupees ~~[or imprisonment not exceeding one month.]~~

Method of proving orders and notifications issued under Regulation.

~~[79]~~ *77.* Any order or notification published or issued by the Government or by a Magistrate or officer under any provision of this Regulation, and the due publication and issue thereof, may be proved by the production of a copy thereof in the official Gazette, or of a copy thereof signed by such Magistrate or officer and by him certified to be a true copy of an original, published and issued according to the provisions of the section of this Regulation applicable thereto.

Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.

~~[80.]~~ *78.* No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient for any defect of form or ~~in~~ publication or any irregularity of procedure, ~~*unless such defect or irregularity has prejudicially affected the person concerned.*~~

No Magistrate or Police officer to be liable to any penalty *or* damages for act done in good faith in pursuance of duty.

~~[81.]~~ *79.* (1) No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance ~~[or intended pursuance]~~ of any duty imposed or any authority conferred on him by any provision of this Regulation or of any rule, order or direction lawfully made or given thereunder.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(2) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by the Government, or by a person empowered in that behalf under this Regulation or any rule made under any provision thereof.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if instituted after one year.

(3) In any case of an alleged offence by a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Magistrate, Police officer or other person, by *reason of* any act done under colour or in excess of any such duty, or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted ~~[more than]~~ ~~*after*~~ one year ~~[after]~~ ~~*from*~~ the date of the act complained of.

Tender of amends.

(4) [No plaintiff shall recover in any such suit if tender of sufficient amends shall have been made before the institution of such suit, or if a sufficient sum of money shall have been paid into Court after institution thereof, by or on behalf of the defendant, and, though a decree shall be given for the plaintiff in any such suit, such plaintiff shall not have costs against the defendant, unless the Court shall certify its approbation of the suit].

Regulation not to affect any law relating to municipalities.

[82.] ~~80.~~ Nothing in this Regulation shall affect any of the provisions of any law in force relating to municipalities.

SCHEDULE A.

(See Section 2.)

ENACTMENTS REPEALED.

Number and year of enactment	Title or subject	Extent of repeal
V of 1861 ...	An act for the Regulation of Police (as extended to the town of Bangalore by Government of India Notifications No. 385, dated the 11th December 1866, and No. 322—I. J., dated the 19th November 1879).	The whole.
III of 1867 ...	For the punishment of public gambling and the keeping of common gaming-houses (as extended to the town of Bangalore by Government of India Notification No. 240, dated the 11th December 1867).	The whole.
1872 ...	Regular Police Rules, published under Government of India Notification No. 230 J., dated the 16th October 1872.	The whole, with the exception of the provisions prescribing diaries, books, registers, returns and reports, so far as they are not inconsistent with this Regulation or Rules framed thereunder.

SCHEDULE B.

(See Section 10.)

Form I.

FORM OF CERTIFICATE FOR INSPECTOR OF POLICE.

Sub Inspector

The seal of the Inspector-General of Police in Mysore.

*A. B.** has been appointed an Inspector in the Mysore Police Force.....and is vested with the powers, functions and privileges of a Police officer under the Mysore Police Regulation 190 " Sub Inspector

Dated the... .....

(*Signature*)
Inspector-General of Police.

*Particulars:—

Father's name.....
Race, religion, caste.....
Native place.....
Age.....
Remarks *Length of previous service, if any* .....

Form II.

Sub

Form of Certificate for Police Officer below the grade of Inspector.

Seal of the Deputy Commissioner of the District.

*A. B.** has been appointed to the Police Force, Mysore, and is vested with the powers, functions and privileges of a Police officer under the Mysore Police Regulation, 190

Dated the.....

(Signature)
Deputy Commissioner.

Particulars :—

Father's name.....
Race, religion, caste.....
Native place.....
Age.....

MYSORE GOVERNMENT, GENERAL AND REVENUE SECRETARIAT
JUDICIAL DEPARTMENT.

Subject. Select Committee papers on the Police Bill **File No.**

TABLE OF CONTENTS

Serial No.	Communication No.	Date	From or to whom	Subject in abstract

Select Committee papers on the Police Bill

66

G.R.S.-131

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

As directed in the draft paragraph regarding the meeting of the select Committee appointed for the consideration of the Orchee Bill is submitted for approval. The date of meetings of the Committee of the Civil Procedure Regulation Amendment Bill and the Village Offices Bill have fixed for the 10th and 9th October respectively. The date of meeting regarding the Orchee Bill has to be fixed.

30/9/07

May this be fixed to the 14th ~~prox~~ inst?

2nd cl. 1.10.07

Issue

1.10.07

Fixed

On 1st the time has been fixed. This may kindly be issued.

1/10/07

Issued 145 & 148 dated 2/10/07.

With the alteration made subsequently

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

MGGPB—50,000—22-9-04

2

Sir

The Hon'ble Council desires me to inform you that the meeting of the Select Committee to consider the Police Bill may be postponed to the 18th instant. The time & the place ~~being~~ are the same as determined before.

Yours obedtly

H.S. Gangadharappa
Personal Assistant
16.10.07.

To

K. Hayavadana Rao Esq B.A. B.L.

Put up another draft please
16.10.07

3

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Draft of a memo as submitted for approval

MS
24/11/07

Surendranath Banerjee

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-9-04

Code Class. 151

INDIAN TELEGRAPHS.

Monthly Number 87

To (Office) Bailey

From (Office) Karur

Words.	Day.	Hour.	Minute.	Official Instructions.
29/2	6	11	28	

To (Person) Muttannachetty esqr Councillor

From (Person) Nagappa

no Steamer till friday impossible to attend council meeting Saturday detained on urgent business pray excuse my attendance returning bangalore 16th instant

+ repd

To the Secretary Council Legislative

6/11

Recd. from LN. At Hrs. Mts. by

Sent to LN.* At Hrs. Mts. by

Telegraph M

82 Word Form.

* In foreign telegrams the *Person from*, if telegraphed, should be written after, but separated from the text.

G.R.S. 13]

4

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

That contained in Rule 4·2 is the only provision as regards the appointment of additional members to the Select Committee

Submitted.

2nd Cr) 7.11.07 MMS

As directed in person, Mr. Narayanarao was written to. His reply is submitted herewith.

2nd Cr 7.11.07 D. Krishna Rao

Subd to 2nd Cr

Telegram issued at 4 PM. MMS

SN 7-11-07

7/11/07

4 Mg CC

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30,000—11-4-06

Urgent message
from - 2nd Councillor

Sgt Arthur
Hasson
RAF

Returned
Sub Div Offrs,
Hasson

Can you attend
Police
Select Committee
~~Police Hse~~
Saturday 9th
instant noon
reply

Bangalore
7. 11. 07

My dear Mr Mylar Rao.

I have heavy Civil and Criminal Cases posted for hearing on Saturday next and also on every day the whole of next week am therefore unable to act as an additional member of the Select Committee during this period

Should have been glad
to place my services at
the disposal of the Council.
If a fortnight's notice at
least had been given me
in order to enable me to
arrange for my Court work
and prepare myself for
dealing with the matter
involved in the bill.

Yours faithfully
S. Narayanarao

Code Class.

INDIAN TELEGRAPHS.

Monthly Number. 01123

To (Office) Bangalore

From (Office) Mysore City

Words.	Day.	Hour.	Minute.	Official Instructions.
18	7	19	45	

To (Person) legislative Secretary

From (Person) Narasimayya

Cannot attend ninth fourteen ~~[illegible]~~ minute adjournment please wire if work remains then

Recd. from LN. Sent to

BANGALORE 7-11-07

At Hrs Mts. by At Hrs. Mts. by

Telegraph Master.

N.B.—In foreign telegrams the Person from, if telegraphed, should be written after but separated from the text.

This form must accompany any enquiry respecting this Telegram.

22 Word Form.

No 138 T—33 6 1907—10000000

G.R.S. 13]

6.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Submitted - no reply has been received from Mr Syed Amir Hassan as yet.

2nd cir) 8.11.07 [illegible]

N.B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-9-04

File

7

Urgent Message

From

Second Councillor
Bangalore

To

(1) V N Narsimmiengar
Esq

(2) M C. Rungiengar
Esqr
Mysore

Select Committee

meeting unavoid
ably postponed
sine die

[illegible]

Code Class. | INDIAN TELEGRAPHS. | Monthly Number. 96

To (Office) Belgh | From (Office) Has Sar

Words.	Day.	Hour.	Minute.	Official Instructions.
11	7	17	40	

To (Person) M. Ramachetty Esqr Counsellor | From (Person) Amithasam

Sorry cannot come Saturday

To The Secretary Legislative Council

8/11/07

32 Word Form.

Recd. from	LN.	Sent to	LN.	
Hrs. Mts. by		At Hrs. Mts. by		Telegraph Master

* In foreign telegrams the Person from, if telegraphed, should be written after, but separated from the text.

Please fix a day after the M-L-S. and Pleaders' Examinations are over and issue notice to the members.

Please put up draft to the Dewan under Rule 37 for an extension of time for submitting the report.

8.9.11.07

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

S.V. It has been ascertained that ~~[illegible]~~ the above Examination will be over by the 25th evening. A draft fixing the meeting

MGCPB—50,000—22-9-04

8

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

of the Select Committee with effect from the 26th instant. (Tuesday) with a draft to the Dewan ~~are~~ submitted for approval

8/11/07

Two drafts are submitted for approval, one addressed to the President for extension of time for submitting the report and the other fixing the date of the Select Committee meeting to the 30th inst.

2nd cy) 9.11.07

Approved

9/11/07

Issue

9.11.07

(2 Drafts Sd. Typed)

Drafts issued Nos 199-201 & 202

8/11/07

N.B.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

GPB—30,000—11-4-06

Y de 3 Cl

M. S. Rangiengar,
Advocate
&
Member of the
Mysore Legislative Council.

Mysore
16th Jan 1908.

L. 1

Por III
17.1.08

From No. 40.
dated 17/1/08.

To
The Secretary
Legislative Council
Bangalore

Dear Sir,

Confirming my telegram yesterday, I write to inform you that the Police Bill Select Committee meeting may be fixed for the 20th Inst. (Monday) of that date unless the other members of the Committee prefer the date fixed for the meeting.

Yours truly
M. S. Rangiengar

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

LW

The 2nd Councillor has telephoned to say that the special meeting of the Police Committee ~~for~~ on the Police Bill may be held as desired by Mr Rampein on the 21st instant and that the letters be wired accordingly and communications sent to the other members of the Committee asd.

LW Will draft for approval

NS 17/1/08 SN Issue 17.1.08. NS

To the Cash Section. Please have the wire sent advice and the file returned to the Branch for the memo which has since been typed being typed.

NS 17/1/08

Issued

NS 17/1/08

To The Typing section — 5 copies

NS 17/1/08

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-9-04

Bangalore
4.12.07

Bro W
JWW

My dear Mr Taylor,

Father Doiron has asked me to express to you his inability to attend the Sub Committee meeting today as he has not been feeling well all last night.

The Committee I suppose will be communicated this place to the i Committee & let him know (Thrissur) what he says

If however the meeting cannot be put off, he was willing it may go on & said he would subscribe to what was done today especially as there was so little to do.

Yours truly

J. Chamberlain

G.R.S. 13]

11

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Submitted - Mr. Ranga Iyengar says that the proceedings may be continued to-day.

2nd Cr) 4.12.07 - Krishnaswami Rao

allright

4.12.07

Filed

4.12.07

Legal

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30,000—11-4-06

12

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

A draft report of the Select Committee together with a copy of the Bill as amended is herewith submitted.

One point suggests itself to me and that is whether it is necessary to add the words "to such disturbed or dangerous state or" in clause 22, sub clause (2) (a)(ii). The area referred to in clause 21 is already proclaimed by Govt and the declarations of the same by the Deputy Comr seems superfluous and unnecessary. This must evidently be the reason for the declaration having been confined to the case of unlawful assemblies only in the section as it stands.

After approval, the report will be typed and submitted

2nd Cr) 9.12.07. JEWS

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

I concur in the above view. No addition is necessary KPM

Please circulate 20/12/07

I concur with the view put forward by the KPM 20/12/07

JWR 15.12.07

GPB—30,000—11-4-06.

G.R.S. 15]

13

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Submitted to Hon'ble V. V. Varadarajaiyengar for approval.

10.12.07

As chairman of the Select Committee, I have ventured to suggest in the draft report a few verbal corrections in red ink; and trust they may be considered appropriate.

For the divisions in the bill, I do suggest calling them 'sections' in lieu of 'clauses'. The bill itself uses that word. "Sub-clauses" may stand.

15.12.07

~~Forwarded~~

2) To Mr. B. Nagappa. (Bar-at-Law).

10/12/07.

I agree with the Chairman & propose the word 'Sections' to be substituted for the word "clauses" used in the Draft Bill. As a consequential change the word 'Sub-section' is more appropriate than "Sub-clause".

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30,000—11-4-06

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

I have ventured to propose some verbal alterations which, if the committee approve, may be adopted.

20/12 07. B. Jacobs

Submitted for perusal. The report will next be forwarded to Mr. Rangiengar for approval

2nd Cr) 20.12.07 [illegible]

Yes please

[illegible]

20/12/07

Forwarded to Mr. M. C. Rangiengar for approval.

21.12.07 [illegible]

(1) The words "Clause" & "Sub-clause" in the report & Bill ought to be retained as, until the Bill is passed into law, the words "Section" & "Sub-section" cannot be used. Under the Bills & Acts of the British Leg. [illegible]

B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30,000—11-4-06

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(2)

Clause 22 (a)(ii). The amendment proposed and accepted by the Convention is in my opinion necessary for the following reasons:- Cl. 21 provides for one municipality, the employment of municipal police and for the imposition of a tax to defray the cost thereof. Cl. 22 provides for another distinct institution, viz, that of recovering and paying compensation to certain persons. Sub-clause 1 deals with the liability after inhabitants in any prescribed area as well as with the liability of the inhabitants of any area wherein an unlawful assembly has taken place. The compensation is to be recovered from both classes of such inhabitants. If the proposed amendment is not adopted, the Dy. Comr. can recover the amt. of compensation from

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MGCPB—50,000—22-9-04

than only falling on the inhabitants of the Corporation declared by them have caused or contributed to the holding of an unlawful meeting. Nor will there be any provision for making the inhabitants of any borough liable to pay compensation for injuries resulting from riots and disorder.

Cl. 22. Sub-Cl. (6). In the last sentence of the Report, I would substitute "In order to avoid any possible ambiguity" for the words "To make ... all doubt".

Sch. Cl. 77 & Sch. Cl. 165 In the last words at the end of the Report — "the necessary ... Rules" I would insert "the necessary provision may be made by Council by orders hereunder in the Regulations concerned".

In the penultimate line of the Report, I would suggest the insertion of a comma between the words "Commissioners" and "Council" in order to avoid the possibility of the expression being construed as meaning "Commissioners Council" and subsequently "Council" also.

M. I. Rankeillor for
23rd Dec 07.

16

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Submitted to the Chairman for consideration of the opinions expressed and alterations proposed by the other members and finally deciding ~~[illegible]~~ ~~[illegible]~~ in what form the report and the bill are to ~~be considered~~ pass.

3.1.08 MEW

Recd. 4.1.08.

The verbal alterations proposed by Mr. Nagappa appear to me superfluous, as the meaning thereby intended to be conveyed has already been sufficiently secured.—

2. I don't think that any lawyer's remarks regarding the preparation of the bill are called for; because they might cause the impression that others before the Council are different.

3. So should be retained, because the bill is beaten by the Select Committee into the shape in which it may be passed into law.

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-3-04

17

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

4. As the majority of the Select Committee think that no addition to Sec 22, (2) (a) (ii) is required, the report may be passed as now drafted.

5. The remarks in para 1 above apply also to the verbal alteration proposed by Mr Rangiengar in the report on Sec 97 (new 76).

[illegible]

5 Jany 1908.

Forwarded to Mr M. C. Rangiengar for perusal of the Chairman's note with the request that if he wishes to record his views in a separate minute, the same may kindly be drawn up and forwarded early, by return of post if possible. The extension of time by one month granted by the Dewan expired on the 28th ultimo. A further extension has now to be applied for—

6.1.08. [illegible]

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-9-04

G.R.S. 13]

18

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

I concur in the above subject to the following recommendation:—

"Here enter my minute marked (2) in red pencil & date as 23rd Dec 07."

M. I. Cunningham
8th Jan 08.

Submitted to the 2nd Cr. A further extension of time has to be applied for.

13.1.08. [illegible] 9/1

I believe that it is customary to use the words 'clause & subclause' in select committee reports. We may adhere to this time honored custom.

Please have fair copy drafted & fix a day for passing

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30,000—11-4-06

All minor differences may then be discussed. [illegible] 14/1/08

Code Class. }

INDIAN TELEGRAPHS.

Monthly Number. } 274

To (Office) Bangalore

From (Office) Mysore City

Words.	Day.	Hour.	Minute.	Official Instructions.
11	13	20	22	

To (Person) Secretary legislative council

From (Person) Ranganathan

Legislation

Monday twentieth Inst

Wire

82 Word Form.

BANGALORE 15-1-08

Recd. from LN. Sent to LN.

At Hrs Mts. by At Hrs. Mts. by

Telegraph Master

N.B.—In foreign telegrams the *Person from*, if telegraphed, should be written after but separated from the text.

This form must accompany any enquiry respecting this Telegram

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Were received from Mr. Sri C. Rangiengar in reply to the D.O addressed to him, that the 20th would suit him. May the meeting be fixed to the 20th inst and Mr Rangiengar informed of the same by wire?

2nd Cr). 17.1.08. [illegible]

Yes please. also inform the Chairman & Mr Nazapper today

[illegible]
17/1/08

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Mr Subbarangappa
Please send a wire
then the Chairman was
sent to Mr Rangiengar [illegible] 17/1/08

Recd [illegible]

GPB—30,000—11-4 06

G.R.S. 13]

20

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Meeting of the Select Committee on the Police Bill - - -	30th Nov. to 3rd Dec 1907, both days inclusive.
Report prepared and submitted to the 2nd Cr - -	9.12.07.
Returned by the 2nd Cr.	10.12.07.
Forwarded to Mr. V. N. Narasimmayyangar.	10.12.07.
Returned by do -	15.12.07.
Forwarded to Mr. Nagappa -	16.12.07.
Reminder sent to do - —	19.12.07
Returned by do - -	20.12.07
Forwarded to Mr. Rangiengar - -	21.12.07.
Reminder sent to do - -	30.12.07
Received back from do - - -	3.1.08
Forwarded to Mr. V. N. Narasimmiyengar (a second time) - -	3.1.08.
Returned by do - . -	5.1.08
Forwarded to Mr. M. C. Rangiengar (a second time) -	6.1.08
Returned by do -	9.1.08.
Submitted to the 2nd Cr	13.1.08
Returned by the 2nd Cr.	14.1.08
Meeting — —	20.1.08

Typed copy of the report submitted was for signature with the signature of Mr. Rangiengar taken to it. The extension of time granted by the Dewan for submitting the report expired on the 28th ultimo. Further extension has to be applied for and obtained. The signatures of Mr. Nagappa and the Chairman will be obtained in the course of the day.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30,000—11-4-06

2nd Cr) 20.1.08. [illegible]

[illegible] 20/1/08

G.R.S. 13]

21

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

To 1) B. Nagappa Esq. (Baratham)

20/1

This was signed and returned by the above member at 5 P.M. this day.

20/1/08

To 2) Mr. V. N. Narasimhachar

20/1/08 Rec. 10 P.M. 20/1
Ret. 7 A.M. 21-1-08

Submitted for signature. If approved, a copy of the typed report will be sent at once to the Supt. Govt Press, so that this may appear in the next issue of the Gazette

2 no Cr) 21. 1. 08.

I have signed the report. It may appear in this week's Gazette

21/1/08

The needful will be done should be done at once

21. 1. 08.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30,000—11-4 06

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Draft reply to the Complaints Dept for approval

MG 21/1/08

Issue 21.1.08. MW

To the Appointing Section -

Notification Dated -

To the Complaints, Alyme Sayed No. 2187 L.C. Copy of 21/1/08

Spare copies of the Report of the Committee printed with the Amended Bill have been received. Submitted with a draft letter forwarding the same to the Members

MG 24/1/08

Issue 24.1.08. MW

To the Appointing Section

~~Send~~ Supply 15 copies

MG 24/1/08

Issued 25th Jan 08.

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-9-04

G.R.S. 13]

23

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

A Draft asking for a further extension of time ~~for the~~ in regard to the Report of the Select Committee on the Police Bill submitted for approval

DCS. 24/1/08.

Submitted for approval.

2nd (r) 25.1.08.

Approved

25/1/08

Issue at once

25.1.08

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30,000—11-4-06

24

G.R.S. 26]

File No.

Serial No.

4 copies to be typed

Diary No. of letter replied to

No. 145 to 148

General and Revenue Secretariat

( )

, the 190 .

To

Memorandum

The select Committee appointed for the consideration of the Mysore Police Bill will meet ~~in the Pagti Quarters~~ at Mysore on ~~Friday~~ Saturday the 12th ~~11th~~ October 1907 and the following days commencing at 2 P.M.

By order,

Secy. M.L.C.

Date of issue 2nd October 1907

Signed by Mr. K. Mylar Rao

1/10/07

To

145 K. A. Puttannachetty Esq., Inspector Mem L.C.

146 V. N. Narasimhiengar Esq. — do

147 M. C. Nanjaraja Esq — do

148 B. Nagappa Esq — do.

over.

SUBJECT.

Copy 2/10

Copy 1/10/07

G.R.S. 26]

25

File No.

Serial No.

Diary No. of letter replied to

No 165-172
L-C

General and Revenue Secretariat
( )
, *the* 17th October 1907

Date of issue

Signed by

To

Memorandum.

The Select Committee appointed for the consideration of the Police Bill will meet in the Deputy Commissioner's Quarters, near the Lower Residency, Mysore, on Tuesday the 15th October 1907 and the following days commencing from 8 A.M.

S. O.

Secy. to L.C.

1) K. P. Puttanna Chetty
2) V. N. Narasimhaiyangar
3) B. Nagappa
4) M. C. Rangaiyangar

over.

SUBJECT.

26

G.R.S. 26]

File No.

Serial No.

Diary No. of letter replied to

No

General and Revenue Secretariat
( )
, *the* 190

Date of issue

Signed by

To Dear Sri Nagappa.

I am desired to inform you that the meeting of the select committee appointed for the consideration of the Pahai Bill will not be held today as announced but will be held in the Deputy Commissioner's Quarters commencing from 8 A.M.

Yours
MMS

100

over.

SUBJECT.

G.R.S. 26]

File No.

Serial No.

Diary No. of letter replied to

No 173-176
R C

General and Revenue Secretariat
( )
, *the* 14th March 1907

Date of issue

Signed by

To

Memorandum

The Select Committee appointed for the consideration of the Police Bill will commence its sittings on Thursday the 17th October 1907 instead of on Tuesday the 15th idem as announced, at the hour and in the place already fixed. MWD

Secy. MRC

1) R. B. Puttanna Chetty Esq.
2) V. R. Narasimmachariar Esq
3) A. Nagappa Esq
4) M. C. Rangaiyengar Esq

over.

SUBJECT.

G.R.S. 26]

28

File No.

Serial No.

Diary No. of letter replied to

No 177-180 L.C.

General and Revenue Secretariat

( )

, *the* 18th October 1907

Date of issue

Signed by

To

Memo

The meeting of the Select Committee appointed for the consideration of the Police Bill has been postponed to Friday the 18th instant, ~~but~~ and will be held at the hour and in the place announced in memo No. 165-172/L.C. and 173-176/L.C. of the 13th and 14th October 1907 respectively.

[illegible]

Secretary, MLC

over.

SUBJECT.

G.R.S. 26]

Diary No. of letter replied to

General and Revenue Secretariat

( )

the 190 .

Date of issue 4th Nov. 1907

Signed by Mr K. Mylas Rao

File No.

Serial No.

No. 189-191
& 192

To

Messrs

The Select Committee appointed for the consideration of the Police Bill will meet in the Public office buildings at Bangalore on Saturday the 9th November 1907 and the following days commencing from ~~10th daily~~ 12 noon —

D. O.

Secy. Legislative Council

To.

189 1) V. A. Nanjunda Iyer Esq.

189 to 191 2) M. C. Nanjaiah Esq. B.A.

3) D. Nagappa Esq. Bahadur

Speaker. 4/11/07

192 Copy to K. P. Puttanna Chetty Esq. for information.

over.

SUBJECT.

G.R.S. 26]

30

2 typed copies, (1 for the file)

File No.

Serial No.

Diary No. of letter replied to _____. Type 5 copies

No 155-201

General and Revenue Secretariat

( )

, the 11th November 1907.

Date of issue its sittings

Signed by _____

at 12 noon in the Public Offices, Bangalore

MM 9/11/07

To

Memo

The Select committee appointed for the consideration of the Schei Bill will commence ~~to sit from Tuesday~~ on Saturday the 30th November 1907 ~~instead of from Saturday the 9th idem as announced in memo No. 185-151/Leg. C. of 6th Nov 1907, at the hour and in the place fixed therein~~

D—o

Secy. to L.C.

To

1) V. N. Varadarajaiengar
2) M. C. Rangaiengar
3) B. Nagappa Esq. Bangalore

Copy to K. N. Pattamma Chetty, Esq.

over.

SUBJECT.

G.R.S. 26]

File No. 4/7
Serial No. 1/7

31
2 Dorsals

Diary No. of letter replied to 9/1185

No 202/L.C.

From ~~Mr~~ K. P. Puttanna Chetty Esqre
No. Member, Legis. Council

General and Revenue Secretariat
(Poisons)
, the 1 190 .

To V. P. Madhava Rao Esq C.I.E.
~~The~~ President,
Mysore Legislative Council

Date of issue 11/11/07

Signed by

Sir,

I have the honor to state that, owing to ~~many~~ general unavoidable causes, the Select Committee appointed for the consideration of the Poisons Bill has not been able to meet to discuss the provisions thereof ~~[illegible]~~ and will not therefore be able to submit its report thereon before the 28th of November, the date fixed for its submission. I am ~~[illegible]~~ accordingly to request that the period

over.

SUBJECT.

fixed for the submission of the Committee's report may be kindly reconsidered by the Minister.

I have the

Mr M

member in charge of the Bill

~~Speaker of the House of Reps.~~

List of enclosures.

Copied by JR. 9/11

Examined by

MGCPB—30,000—16-2-05

No. 202/L.C.

Dated Bangalore 11th November 07.

From

K.P.Puttanna Chetty, Esq.,
Member, Legislative Council.
Bangalore.

To

V.P. Madhava Rao, Esq., C.I.E.,
PRESIDENT, Mysore Legislative Council.
Bangalore.

Time is granted
11/11/1907
Subd 12nd Cr
SN
13/11/07

Sir,

I have the honor to state that owing to several unavoidable causes the Select Committee appointed for the consideration of the Police Bill has not been able to meet to discuss the provisions thereof and will not therefore be able to submit its report thereon before the 28th of November, the date fixed for its submission. I am accordingly to request that the period fixed for the submission of the committee's report may be kindly extended by one month.

I have the honor to be
Sir,
Your most obedient servant.

K.P. Puttanna Chetty
Member in charge of the bill.

Note & file
13.11

Seen
SN
To Leg Cl

L.S.R.

34

2644/L.C.
dated 17/1/08.

To
Mysore
Mr. M. O. Rangiengar
Advocate.

From
Bangalore
Secretary,
Legislative Council

Dept.

The Bill Select Committee
Meeting fixed Twentieth. ~~Hence~~
Memo follows.

17/1/08

Secretary
MLC

No. 35

OFFICE OF THE SECRETARY TO THE
MYSORE LEGISLATIVE COUNCIL.
Dated.....190

5 copies

To

17/1/08

MEMORANDUM.

A special meeting of the Select Committee appointed for the consideration of the Police Bill will be held in the Public office Buildings at Bangalore on Monday the 20th instant at 12 noon. to discuss and consider finally the said bill and the draft report of the Committee on the bill. as amended by them

B. O

Secy. to L.C.

To
1) V. N. Narasimhiah Esq.
2) B. Nagappa Esq.
3) M. C. Manjunath Esq.

260 to 262
d 17.1.08

263
d 17/1/08

Copies to the Councillor for information

17/1/08

GPB—500—13-12-07

86

G.R.S. 26]

File No.

Serial No.

Diary No. of letter replied to _____

General and Revenue Secretariat

( )

, *the* 190

Date of issue 25th January 08

Signed by Mr K. P. Puttanna Chetty

No. 293/L.C.

From
K. P. Puttanna Chetty Esq.,
Member, Legislative Council.

To
V. P. Madhava Rao Esq., C.I.E.,
President,
Mysore Legislative Council.

Sir,

I have the honour to state that the extension of one month granted for the submission of the report by the Select Committee appointed for the consideration of the Police Bill expired on the 27th ~~of~~ December 1907, but that ~~and~~ the Committee were not able to discuss the provisions ~~thereof~~ till the 20th Instant ~~only recently~~. I am accordingly to request that a further extension by one month may kindly be granted.

I have &c.

Member in charge of the Police Bill

and forward then report

DCS 24/1/08

over.

SUBJECT.

No. 293/L.C.

37

From

K.P. Puttanna Chetty, Esquire,

Member, Mysore Legislative Council.

To

V.P. Madhava Rao, Esquire, C.I.E.,

President, Mysore Legislative Council.

Dated Bangalore, the 25th January 1908.

Sir,

I have the honor to state that the extension of one month granted for the submission of the report by the Select Committee appointed for the consideration of the -- Police Bill expired on the 27th December 1907, but that -- the Committee were not able to discuss the provisions ---- fully and frame their report till the 20th instant. I am accordingly to request that a further extension by one month may kindly be granted.

I have the honor to be,

Sir,

Your most obedient servant,

sanctioned

V.P. Madhava Rao

K.P. Puttanna Chetty

Member in charge of the Police Bill.

K.N.K.

7771/26.1.08

File 28.1.

xcs.

38

Journal of the Proceedings of the Select Committee appointed for the consideration of the Bill

The Committee ~~begin at~~ met on Saturday the 9th March 1907 ~~betw~~ 12 noon & 2.15 pm & on the following days

Discussions on the various clauses of the Bill

Clause 3 Para (1) ~~The~~ Mr. R. The expression "having the force of law" is unnecessary. This is misleading inasmuch as where legislation gives no power to frame rules

V N N These are rules under a regul ~~action~~ & hence will have the force of law

Sub-Para (i) It is quite necessary that the provisions of this Bill should not interfere with the existing provisions of the Village Association. Hence the expression "Subject to the provisions of the V.O. Act" ~~should~~ shall be inserted between the words "provide" & "for" in Sub-para -

so as to make the appointments subject to those provisions.

Sub-para (iii) .. The word "[illegible]" be substituted [illegible] ~~after~~ "[illegible]" [illegible] more than

To make this sense more clear the comma after "like" should be replaced by a semi colon and the words "and as regards" should be inserted after it.

The suggestion of Mr M. Venkitarama Menon made before the Joint Select Committee of the Legislative Assembly of this year to the effect that registers in triplicate should be maintained by police patels as are maintained by the regular police was read in this connection.

It was decided that this should be left to be provided for by rules under the Regulation & should not be embodied in the body of the Regulation itself.

The committee would seem that copies in triplicate be prepared by Patels

Clause - Definitions.
a "Commercial Passenger Vehicle".

Q. Whether clubs also came under this category & whether any exception in their favor was necessary. This received further consideration.

~~A definition~~ The word "Vehicle" though occurs in so many places has not been defined. ~~It would be~~ A definition of the word ~~has~~ may therefore be added. As in the Madras

Vehicle - means -

Clause 9.

As this section stands, it is likely to be interpreted that both the Deputy Commr & Dist Supt of Police should join in making appointments of Police Officers below the grade of Inspectors. Some of these appointments may be made by Deputy Commrs & some by the Supts. The word "and" should be substituted by the word "or".

Clause 10

Mr. Nagappa, suggested the introduction in this section of the provisions of the ~~Hyd~~ Act, regarding the preferential service being in excess in the certificate appointing a person to be an Inspector. The words afterwards fading up as not necessary.

~~Also the section applicable, it does not~~

~~Though Clause~~ 11 (2)(a) while provides that a certificate of qualification granted should be come null & void whenever a person ceases to be a police officer, does not empower Govt to cancel Inspectors to grant certificates when they

41

promoted or degraded. The Committee therefore recommend that the following sub-para be added under ~~Ill~~ para (1).

"Such Certificate should become null & void & be forfeited with disqualification when he ceases to be Inspector."

Clause 11 (2) a should be brought after 10 (2), as being its proper place as 10 (3), and 11 (b), changed into 11 (2).

Cl. 12

The words "adviser of girls to be" may be omitted, as there is no reason why the Inspectress of Schools, ~~who occupies~~ shall ~~occupy~~ receive a higher position than other heads of departments.

A comma may be inserted after "particularly,".

Cl 13

As the section stands the "Inspectress" can exercise the powers of the Visitors "at his sweet will & pleasure". The Committee consider that the section should be so framed as not to enable the Inspectress to exercise the powers without a special authorisation from the Visitors enable them to exercise

4

in such cases & in such manner as may be prescribed by rules. The section should accordingly be amended as follows:—

"Rules shall regulate such powers in such cases & in such manner as may from time to time be prescribed by rules."

Cl. 15

In K. D. = insert "known" & "known" & a comma after the words

The words "known defrauder" should be substituted for "RD" and a comma inserted after the same —

In the expression "in lieu of orders & rules of this procedure" ~~substitute~~ the expression "in lieu of & this procedure" should be ~~taken~~.

The word "change" occurring in para 2 should be ~~kept~~ "change" ~~In this connection~~ the

The Committee fully appreciate the wisdom of the policy of the Act embodied in this section and ~~are~~ agreed that it was conducive to public good. They were glad to recognise in the recent act of grace an earnest of the policy of separating the executive from the judicial functions

Cl. 17. The expression "any magistrate in the neighbourhood

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should be replaced by the words "nearest magistrate", the expression used in the Madras Act XXIV of 1859 & in the Bombay Code. & the expression so many &c as may be required by Act" by "so many of the able and capable male residents, &c". to prevent indiscriminate recruiting of persons

Cl. 18. The words "his jurisdiction" shd be substituted for "for their respective jurisdiction" & the word "employed" should be inserted after "shall be", by the here & under 119. (2)

Cl. 20. Mr Wajpee raised the question whether there should be no appeal against the order of the Dept Council in the matter. ~~There~~ Approval in this respect was considered unnecessary, as the rate would be fixed by the Sanction of Govt

Sunday. 1st Dec
8 to 11

All the members present

Cl 21 The question was raised & discussed, whether the land ~~or the~~ referred to in para (2) should be imposed at a uniform

144

rate ~~of~~ according to the means & whether it is the individual man, woman or child or an the householder only. ~~of~~ the rate referred to is to be levied on both movable & immovable property & how the former is assessed & whether any inquisitorial proofs ~~are~~ ?

Mr Cam was willing to give this information & the question was left to be discussed later & decided later on

with regard to practice in Scotland & as regards the penalties imposed by the State in former recessions

Reference to sec 21 in the explanation under this clause should be to 22 (& 23?).

Cl. 22 (1) (~~a~~) The period of one month prescribed for the injured party to prefer an application under this clause was felt to be too short to meet all cases. It was accordingly decided that it should be raised to 3 months. As a consequential change the ~~ref~~ expression "or such ~~other date~~ shorter period as may be prescribed" was omitted

Cl 22 (2) a (ii) ~~21~~ Provision is made here and as regards unlawful assembly referred to in cl. 22. Bond-compensation seems to

45

Clause intended to be parallel as regards both an account of disturbed state of unlawful assembly. The proposed should therefore be amended suitably by inserting the words "such disturbed or dangerous state or to the", between the words "contributed to the" and 'holding' occurring therein.

Cl. 22 (a) The word "claim" seems to have been kept in by typographical mistake for the word "blame". This should be amended accordingly.

(b). In cases where a person is not satisfied with the compensation awarded under the Calcutta Act it is nothing but proper that he should be able to prefer an appeal to the Civil Court & that a person should be barred of his right to appeal to Civil Court only in cases where the compensation awarded has been accepted & receipted by him. The clause should accordingly be amended by the insertion of the words "and received" after the word "granted".

Cl. 24 (1) The question was raised here as to whether an appointment should be made [illegible]

for breach of any of the rules referred to herein. It was decided as not necessary, as the rules were purely departmental & breaches thereof would be punished departmentally.

Cl. 25. The words "of police" after "the Inspr General" and the articles "the" ~~preceded to~~ occurring between "the maintenance of" & "order" ~~should~~ are superfluous & should be omitted.

As the word "Insp General" has already been defined to mean ~~includes~~ the Insp General of Police ~~this~~ & has been used elsewhere in this bill, the words "of police" occurring in the first line, should be omitted. The article "the" occurring between the words "the maintenance of" & "order" should also be omitted.

Cl 26. (3) The power of punishing police officers should be exercised by the Insp General without reference to any Court, subject to limits the Court in which lies can exercise the power, & it is desirable that some under disciplinary authorities in the police force authorities. The words "under the police" should accordingly be omitted.

47/ The article "a" occurring before "frame complaints", should be substituted by "any"

cl 27. (1) The last 2 lines may be recasted thus - "and a note of the enquiry made in writing in Kanarese or English, ~~and~~ " and a note . . . . "made in writing in Kanarese or English and signed by him".

(2) This should be amplified as follows: —

"An appeal shall lie to the Sessions against orders passed by the District Deputy under ~~sub-section (1) and~~ subsection (1); and against orders passed by the Sessions, an appeal shall lie to the Deputy first. In case of officers above the rank of Constables, a further appeal shall lie to first."

cl 28. ~~The words "or Asst Deputy" occurring in this clause are superfluous.~~

The words "Asst Dep." included in the expression "Deputy"; and hence these may be omitted wherever they may occur in this clause.

cl 30. ~~The clause the~~ Para (1) may be ~~requires same~~ recasted as follows

"No Police officer shall without the permission of the Deputy for or

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a hospital or of public, supply
be".

(2). The marginal note to
para (2) should also be corrected
as follows :-
"Their offices not to engage
themselves on other than public
duties"

Cl 33 & 34.

So as to make the sense
more complete, the words
"on conviction before a magis-
trate" be inserted between
the words "shall" & "be punished"
both in para (2) of this clause
and clause 34

Third Day - 2/12/07
12 to 5

cl 35. This was reserved for further
discussion.

cl (36) (e)(f) The word "subject to"
occurring herein should be substituted
by the word "under". The word
'claim' is a misprint for 'claims'
& this should be corrected accordingly

(i)(k) The word "deceased" may be
omitted.
(K). The words "as to" occurring
herein shall also be [illegible]

49

~~Cl. 36~~ (2)

The following minor changes were adopted in para (2) of this clause: The word "regulations" should be inserted after the word "rules" and the words "the general clauses of" be omitted. The expression "of the rule or order" and the word "parts" occurring in subpara (a) shall be substituted by the words "thereof" and "from" respectively and the words "or languages" shall be inserted after the word "language" occurring in subpara (b), as it is advantageous that notices should be posted in several languages.

Para (3) – The Committee considers that the time fixed for the rule promulgated under sub para (k) of para (2), which is intended for the benefit of persons in infectious localities, to be in force is very short and that a ~~three months~~ month's time is necessary. The para should be amended accordingly.

Cl. 37

The necessity for the explanation of the functions of this section to persons by special notification, instead of being applicable to the whole of the State was much discussed. This was afterwards allowed to

51

It is desirable that only the title should be ~~taken~~, and the fact it may be made clear. The section amended. ~~as follows:~~ The amendment may be made by the omission of the words "falling under the provisions of ~~this~~ subsection (1)," and substituting therefor the words "relating to such place".

Cl 45.

There is no rule compelling people to take out licenses for the purposes described in para (1). Even ~~in cases~~ where such proceedings will be advantageous for the party interested, the power ~~should not be~~ of issuing licenses should not be exercised by the Inspectors but should be exercised by ~~higher~~ magistrates and officers such as Amildars &c.

~~Licenses for~~ The Inspectors should not be given the power of issuing licenses in regard to the regulation of assemblies in public streets &c. The power should be exercised by higher officers such as Amildars &c. In the ~~practice hitherto~~ In Bombay and Mysore, it has been the practice for the magistrates to issue such licenses hitherto. So that the ~~power may now be taken away from the Inspectors~~ The power should be exercised by magisterial officers such as Amildars &c. ~~The section~~ A new para should accordingly be added ~~to carry the~~ ~~increasing the~~ increase to give effect to the above and the provision made in this clause for the Insp^r issuing licenses be omitted. It is also necessary that the order passed granting or refusing a license should

52

be made appealable. Two new paras shall accordingly be added as 45 (1) and (2) and the remaining paras be ~~changed~~ renumbered.

"45 (1). It shall be lawful for the Amildar and/or for any other officer specially empowered in this behalf by Govt to issue licenses for the conduct of processions, the playing of music, the beating of drums, tomtoms, or the blowing of horns or other noisy instruments in or along a street within their respective jurisdiction."

"(2) An appeal shall lie to the Magistrate of the Dist. from an order granting or refusing a license under Subsec (1) & no further appeal lies."

As a consequence, 45 (1)(b) should be omitted as also the words "and to issue licenses therefor" in 45 (1)(a).

Cl. 45 (2) The words "this section" shall be substituted by the words "Subsection (3) of this section" and the number changed as (4).

(3) The words "not below the rank" shall be substituted by "not below the rank of an officer", as the expression used elsewhere in the Bill & in all the Code & the same now [illegible] as (5).

53

Cl 45 (4) The words "last preceding sub" are unnecessary & may be omitted & the para numbered as (6)

Cl 46 - (4) It seems unnecessary that such a provision as this should find a place in the body of a regulation, instead of being left to be provided for by rules. The para may accordingly be omitted

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3rd Dec 1907 Finally
10th 5

Cl. 47 Para (1)(f) - In "any other" ~~substitute~~ read "any other rule having the force of law"

(2) In this connection the representation of the Punjab District people, re limiting the power under this section to officers above the grade of Constables was discussed. It was decided to retain the section as it is, as otherwise the object of the previous section would be defeated.

(3) The advisability of requiring the police officer when detaining any person under a warrant to search any article with him suspected by the police to be stolen to pick a Mahajan drawn up

54 before a report is made to the Magistrate was discussed & was given up as not necessary

Cl. 53-(b). The word vehicle occurs in many places, but ~~nowhere~~ nowhere it has not been precisely defined. A definition of the word should therefore be given in terms of what is given in the Municipal Act etc.

(i). The word "gathered" should be brought after the word "assembly" or "for results" substitute "cause."

(k). The word "knowingly" may be prefixed to this subparagraph as is done in the Indian Penal Code and the words "in any street" may be inserted between the words "animal" and "to attach". The The omission of such words is likely to cause much ill consequence, as persons who keep dogs do not intend to be ~~liable to be~~ will be ~~amenable to~~ the ~~to prevent~~ to guard against thieves or to prevent others committing nuisance on their lands unnecessarily ~~are~~ liable to become amenable to the provisions of this paragraph. The previous commentator had also recommended this, but afterwards omitted to include this on the reasons not stated.

~~He embodying this~~

Cl. 55 (iv). After passage ~~insert~~ the words "in a street" should be inserted.

Cl 63. The words "all meetings or assemblies for making" occurring under 38, of which this is a counterpart, have been omitted from this clause. The words may therefore be after the words "may order all" ~~ex~~.

Cl. 76. To make the section complete, the Committee considered that the rewards granted by officers of forts as well as private individuals should be brought under the operation of this section. So that after the words "awarded to them by magistrates", the words "or granted by officers of forts or others" should be inserted & for the words "other persons" the words "any other persons" should be substituted.

Cl 77. ~~This should be~~ Sufficient provision has been made in the municipal regulation for public statutes from payment of tolls & in case any further exemption regarding members of the police force is required, it may be left to be provided for by rule. The clause may accordingly be omitted

56

Report of the Select Committee appointed for the consideration of the Orkney Bill.

We the members of the Select Committee appointed for the consideration of the Orkney Bill, beg to submit the following report thereon. Owing to several causes, the Committee was unable to sit earlier, and had consequently to put the period for the submission of the report extended by ~~one month~~ 2 months. We have now carefully considered the several provisions of the bill in detail and also the several ~~petitions~~ representations that were received. The principal amendments proposed and the reasons therefor are noted below.

The ~~recommendation~~ "report" is not necessary.

(This word is "Hereon")

~~Clause~~ 3 - Subclause (1)(i)

We are of opinion that the expression "subject to the provisions of the Village Offices Regulation" should be inserted between the words "provide" & "for

occurring herein, so as to make ?/ subject the entertainment, appointment &c of the officers mentioned, ~~subject~~ to the provisions of the said regulation and not to interfere therewith.

In this connection we would recommend that printed books with counterfoils ~~in duplicate~~ and pages consecutively numbered be supplied to the Justices for communicating their first information reports to the police, one copy being retained by the Justices and the other sent to the Station house officer.

Clause 4 - Definitions - ~~(i)~~. The word "vehicle" has been added in the definition of 'Common gaming house', so as to remove all doubts as to whether vehicles came under the definition or not, and most gambling in carriages &c. in transit.

After "So as to remove all doubts as to whether the ~~term~~ word vehicle is included in the definition or not"

"And also to bring in the cases of gambling in carriages etc in transit within the operation of this regulation"

B.H

A definition of the word 'vehicle' has been added. It is the same as is ~~given~~ contained in the Municipal Regulation but with a slight amendment, so as to include carriages used or capable of being used with

558

on a public street but also elsewhere, for instance, on a railway line.

(Stat). Clause 9 — The word 'and' is replaced by the words "or by", to make the meaning clear and to avoid any misapprehension that both the Deputy Commr and the District Superintendent should concur in making the appointment.

Clause 11 (2) (a) — This clause is transposed and inserted under Clause 10 (2) which is its proper place. It is a little imperfect; for instance, it does not cover the case of an inspector who ceases to be such, but may nevertheless continue to be a police officer, as when he is degraded, and his certificate should become null and void and should be surrendered by him. We hence therefore added a new para under the clause 10 (1) regarding the certificate of inspectors

4 5

The corresponding provision in the Bombay Act provides for the previous service, if any, being entered in the certificate. We have thought it desirable to note in the certificate the length of the previous service, if any, and have accordingly ~~therefore~~ amended the schedule prescribing the form of certificate ~~suitably~~ by inserting an additional heading.

Clause sec. 12

The words "adviser of Government in all matters connected with the police" are omitted, as they appear to be unnecessary, ~~and also~~ & unusual.

Better to ~~omit~~ omit "as" before unnecessary & unusual & retain the original as it stands.

15/1.

Clause sec 13.

As the clause stands, unless and until any limitation is imposed by fiat, the Inspector General of Police may exercise all the powers of a first class magistrate. We are of opinion that the Insp. General should not exercise such powers without being specially authorised by fiat.

5

and further ~~that he should~~ ~~exercise them~~ only in such cases and in such manner as may be prescribed by Govt. We have therefore amended the clause by adding the words "only in such cases and" after the words "exercise such power".

~~clause~~ sub 15. (2). We fully approve of the wisdom of the policy of Government enunciated in this sub clause and are of opinion that it is conducive to the highest public good. We are glad to recognise in the recent act of Government an earnest of the policy of separating the executive from the judicial.

~~clause~~ sub (7). The expression "any magistrate in the neighbourhood" has been replaced by the words "the nearest magistrate", the words used in the Madras Act X of 1859, and the expression "so many of the residents of the neighbourhood

as may be required to act", qualified by "so many of the fit and capable male residents" in order to prevent indiscriminate impressment of persons as additional police officers.

Instead of "has been qualified" it is better to use after the expression "so many of the fit and capable male residents" have been substituted for "so many of the residents of the neighbourhood as may be required to act" in order to prevent indiscreet impressment. Clause 22, sub-clause (1)

It seems to us that the period prescribed for the injured party to prefer an application under this clause for compensation, viz one month, is too short in many all cases. We have accordingly "extended" to 3 months, and, as a consequential change, have omitted the expression "or such shorter period as may be prescribed".

The word "extended" instead of "raised", would be better.

As the sub clause stands, the declaration the Deputy Commissioner may make is with respect to the local area, the inhabitants of which have caused or contributed to the holding of the unlawful assembly. But application for compensation may be made to the Deputy Commissioner not only by a person who has

Clause 22, sub clause (2) (a) (ii).

suffered injury from any act done in the prosecution of the common object of an unlawful assembly, but also from the misconduct of the inhabitants or any class or any section of them in any area referred to in sec 21, and the Deputy Commr should therefore be empowered to declare the area in which the misconduct of the inhabitants ~~in which~~ caused the injury. We have therefore added the words "to such disturbed or dangerous state or" after the word "contributed".

Clause 22. subclause (6). What is intended by this subclause evidently is that a party who has taken the amount awarded by the Deputy Commr is precluded from seeking further relief in a Civil Court. But it does not prevent a party in whose favor an award is made but who does not take the amount on the ground of its being inadequate from going to the Civil Court for redress. ~~To make this plain and~~

* In order to avoid any possible ambiguity? Int. A.

~~beyond all doubt~~, the words "and received" are added after "granted".

S.T. ~~Clause~~ See 26. Subclause (3). The words "under ~~subsection~~ clause (1)" are omitted as being unnecessary and as limiting the powers of the punishing authority to the cases mentioned therein, which ~~are~~ do not ~~exhaustive of~~ cover all the cases in which a police officer may be punished.

S.T. ~~Clause~~ See 27, Subclause (2) This subclause is somewhat amplified and the right of appeal is declared ~~expressly~~ affirmed beyond all doubt.

S.T. ~~Clause~~ See 28. The words "of Asst Supdt" are deleted, as the words "Dist Supdt" have been defined to include an Asst Superintendent.

S.T. ~~Clauses~~ See 33 & 34. The words "or conviction before a magistrate", are inserted between the words "shall" and "be punished" in these clauses, so as to make the sense more complete.

~~for~~

~~clause~~ sec. 35.

We are of opinion that this provision is unnecessary. The District Magistrate who has to move the government generally in such cases can himself take action under the Cr. P. Code. The clause is therefore omitted.

Shd old ~~clause~~ sec 36(3) - new sub clause ~~clause~~ sec 37(3).

We consider that the period of 15 days fixed for the rule to be in force is too short and have therefore extended it to 30 days.

"extended" 15.4

old ~~clause~~ sec 38 - new ~~clause~~ sec 37.

As the clause now stands it is applicable only to villages and towns proper. We have reason to think that gambling prevails largely outside the towns and villages and on the side of public roads. The scope of the ~~clause~~ ~~section~~ prohibition has therefore been extended by omitting the words "in any town or village" therefrom.

The word "section" must be retained, 15.4

Shd old ~~clause~~ sub clause 42(4) new ~~clause~~ sub clause 41(2)

As the clause stands the inhabitants of the place where a festival ~~to~~ is held are liable to be taxed along

with the pilgrims resorting thereto. It seems to us that it is inequitable to tax the inhabitants on occasions, as ~~that~~ ~~only the pilgrims, by whose influx the special measures of extra police ~~upon people~~ become necessary should be ~~taxed~~ as pilgrims~~.~~ We understand that the practice hitherto has been to levy the tax on the outside visitors only. We have accordingly amended the clause, so as to make the tax leviable only from the persons repairing to the place.

already pay taxes in some shape or other. The raison-d'être of special taxation in this connection is the ~~[illegible]~~

old clause 45. new clause 46.

We are of opinion that the power to issue licenses should be reserved in the hands of higher officers arches tribunals and City magistrates, and that from orders granting or refusing licenses, appeals should lie in the first instance to ~~[illegible]~~ the District magistrate and secondly to Govt. We have accordingly added 2 new subclauses marked (1) and (2) and omitted in the original subclause (1)(a), new subclause (3)(a) the words "and [illegible] the, for

"and give licence therefor."

Old ~~Clause~~ sub-clause 46 (4) — New ~~clause~~ sub-clause 45 (4)

We consider that such a provision as made herein should not find a place in the ~~body of the~~ regulation, but should be left to be provided for ~~regulated~~ by rules and have therefore omitted it.

Old Clause 55 (k) — New ~~clause~~ sub-clause 54 (k).

The words "knowingly or negligently" are inserted before "negligently" in this subclause, as these words are found in the corresponding provision in the I.P.C. sec 289. We have also inserted ~~in~~ the words "~~in the~~ street" between the words "animal" & "to attack", "in any" because the provision as it stands is needlessly rigorous and ~~may~~ renders it an offence to suffer a ferocious dog to be at large even within an enclosed compound, during nights, to guard against thieves and trespassers.

Old Clause 63 — New Clause 62.

This clause shows how instruments of gaming may be disposed of, but not how moneys and securities for money. We have therefore ~~inserted the words "moneys, securities for money"~~ found in a common gaming house

and seized under ~~clause~~ see 38 of the original Bill - new ~~clause~~ see 37. We have therefore inserted the words 'money or securities for money' after the word "all".

Ad ~~clause~~ see 76 new ~~clause~~ see 75.

and by private persons

We are of opinion that rewards granted by officers of Govt. should also be brought under the operation of this section, and have accordingly amended the clause ~~therefore~~ suitably ~~to give effect to this~~.

Ad ~~clause~~ see 77. new ~~see~~ ~~Clause~~ 76.

This clause is omitted as sufficient provision has been made in the Municipal Regulation for exempting police stations &c. from payment of taxes, and in case any further exemption is required in respect of police buildings intended for the occupation of the members of the police force, the necessary provision therefor should be left to be made by supervisory rules.

under which resolution?

Ad ~~clause~~ see 78 (3) - new ~~—~~ sub-clause 76 (3)

The period of one month is considered too short and is therefore extended to 2 months.

(4). The period of imprisonment fixed is quite

(Incommensurate means inadequate)

Disproportionate to ~~incommensurate with~~ the fine which may be imposed for the breach of the rule as an alternative punishment. We have therefore reduced it to 8 days.

Cl. ~~clause~~ sec 81(4) – New ~~Clause~~ sec 75(4).

"To the same effect" is ~~better than "in the matter"~~.

This is another as sufficient provision "in the matter" already exists in the Civil Procedure Code.

The other amendments are ~~important~~ unimportant or are consequential to those already mentioned.

We recommend that the bill as amended be passed into law.

RW

R Whitaker Hewett
10/12/07

W Hoisington
15-12-07

B. de Lacapa.
20 12.07.

W. Ramsden
23rd Dec 07

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BANGALORE, THURSDAY, JANUARY 23, 1908.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 278—L. C. 6-07, dated 21st January 1908.

Under Rule 40 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying report of the Select Committee appointed for the consideration of the Police Bill and the Bill as amended by them, are published for general information.

By Order,
K. MYLAR RAO,
Secy., Mysore Legislative Council.

Report of the Select Committee appointed for the consideration of the Police Bill.

We, the members of the Select Committee appointed for the consideration of the Police Bill, beg to submit the following report thereon. Owing to several causes, the Committee was unable to sit earlier, and had consequently to get the period for the submission of the report extended by about two months. We have now carefully considered the several provisions of the Bill in detail and also the several representations that were received. The principal amendments proposed and the reasons therefor are noted below.

Clause 3, Sub-clause (i), (i).—We are of opinion that the expression "subject to the provisions of the Village Offices Regulation," should be inserted between the words "provide" and "for" occurring herein, so as to subject the entertainment, appointment, etc., of the officers mentioned, to the provisions of the said regulation and not to interfere therewith.

In this connection we would recommend that printed books with counterfoils and pages consecutively numbered should be supplied to the patels for communicating their first information reports to the Police, one copy being retained by the patels and the other sent to the Station House Officer.

Clause 4—Definitions.—The word "vehicle" has been added in the definition of 'common gaming house,' so as to remove all doubts as to whether vehicles come under the definition or not; and meet gambling in carriages, etc., in transit.

A definition of the word "vehicle" has been added. It is the same as is contained in the Municipal Regulation but with a slight amendment so as to include conveyances used or capable of being used not only on a public street but also elsewhere, for instance on a railway line.

Clause 9.—The word 'and' is replaced by the words "or by," to make the meaning clear and to avoid any misapprehension that both the Deputy Commissioner and the District Superintendent should concur in making the appointment.

Clause 11 (2) (*a*).—This clause is transposed and inserted under clause 10 (2) which is its proper place. It is a little imperfect; for instance, it does not cover the case of an Inspector who ceases to be such, but may nevertheless continue to be a Police Officer, as when he is degraded, and his certificate should become null and void and should be surrendered by him. We have therefore added a new para under clause 10 (1) regarding the certificates of Inspectors. The corresponding provision in the Bombay Act provides for the previous service, if any, being entered in the certificate. We have thought it desirable to note in the certificate the length of the previous service, if any, and have accordingly amended the schedule prescribing the form of certificate by inserting an additional heading.

Clause 12.—The words "adviser of Government in all matters connected with the Police," are omitted, as they appear to be unnecessary and unusual.

Clause 13.—As the clause stands, unless and until any limitation is imposed by Government, the Inspector-General of Police may exercise all the powers of a First Class Magistrate. We are of opinion that the Inspector-General should not exercise such powers without being specially authorised by Government, and should do so only in such cases and in such manner as may be prescribed by Government. We have therefore amended the clause by adding the words "only in such cases and" after the words "exercise such powers."

Clause 15, Sub-clause (*2*).—We fully approve of the wisdom of the policy of Government enunciated in this sub-clause and are of opinion that it is conducive to the highest public good. We are glad to recognize in the recent act of Government an earnest of the policy of separating the executive from the judicial.

Clause 17.—The expression "any Magistrate in the neighbourhood" has been replaced by the words "the nearest Magistrate," the words used in the Madras Act, XXIV of 1859, and the expression "so many of the residents of the neighbourhood as may be required to act," has been qualified by "so many of the fit and capable male residents," in order to prevent indiscriminate impressment.

Clause 22, Sub-clause (*1*).—It seems to us that the period prescribed for the injured party to prefer an application under this clause for compensation, *viz.*, one month, is too short to meet all cases. We have accordingly extended it to three months and as a consequential change have omitted the expression "or such shorter period as may be prescribed."

Clause 22, Sub-clause (*2*) (*a*) (*ii*).—As the sub-clause stands, the declaration the Deputy Commissioner may make is with respect to the local area the inhabitants of which have caused or contributed to the holding of the unlawful assembly. But application for compensation may be made to the Deputy Commissioner not only by a person who has suffered injury from any act done in the prosecution of the common object of an unlawful assembly, but also from the misconduct of the inhabitants or any class or any section of them in any area referred to in section 21, and the Deputy Commissioner should therefore be empowered to declare the area in which the misconduct of the inhabitants has caused the injury. We have therefore

added the words "to such disturbed or dangerous state or" after the word "contributed."

Clause 22, Sub-clause (6).—What is intended by this sub-clause evidently is that a party who *has taken the amount awarded* by the Deputy Commissioner is precluded from seeking further relief in a Civil Court. But it does not prevent a party in whose favor an award is made but who does not take the amount on the ground of its being inadequate, from going to the Civil Court for redress. In order to avoid any possible ambiguity, the words "and received" are added after "granted."

Clause 26, Sub-clause (3).—The words "under sub-section (1)" are omitted as being unnecessary and as limiting the powers of the punishing authority to the cases mentioned therein, which do not cover all the cases in which a police officer may be punished.

Clause 27, Sub-clause (2).—This sub-clause is somewhat amplified and the right of appeal is affirmed beyond all doubt.

Clause 28.—The words "or Assistant Superintendent" are deleted, as the words "District Superintendent" have been defined to include an Assistant Superintendent.

Clauses 33 and 34.—The words "on conviction before a Magistrate" are inserted between the words "shall" and "be punished" in these clauses, so as to make the sense more complete.

Clause 35.—We are of opinion that this provision is unnecessary. The District Magistrate who has to move the Government generally in such cases can himself take action under Section 144, Criminal Procedure Code. The clause is therefore omitted.

Old clause 36, Sub-clause (3).—New clause 35, Sub-clause (3).—We consider that the period of fifteen days fixed for the rule to be in force is too short and have therefore extended it to thirty days.

Old clause 38.—New clause 37.—As the clause now stands, it is applicable only to villages and towns proper. We have reason to think that gambling prevails largely outside the towns and villages and by the side of public roads. The scope of the prohibition has therefore been extended by omitting the words "in any town or village" therefrom.

Old clause 42, Sub-clause (2).—New clause 41, Sub-clause (2).—As the clause stands, the inhabitants of the place where a festival, etc., are held, are liable to be taxed along with the pilgrims resorting thereto. It seems to us that it is inequitable to tax the inhabitants on such occasions as they already pay taxes in some shape or other. The *raison-d'etre* of special taxation in this connection is the influx of extra and fresh people as pilgrims. We understand that the practice hitherto has been to levy the tax on the outside visitors only. We have accordingly amended the clause so as to make the tax leviable only from the persons repairing to the place.

Old clause 45.—New clause 44.—We are of opinion that the power to issue licenses should be reserved in the hands of higher officers, such as Amildars and City Magistrates, and that from order granting or refusing licenses, appeals should lie in the first instance to the District Magistrate, and secondly to Government. We have accordingly added two new sub-clauses marked (1) and (2) and omitted in the original sub-clause (1) (*a*) new sub-clause (3) (*a*) the words "and issue licenses therefor."

Old clause 46, Sub-clause 4.—New clause 45, Sub-clause 4.—We consider that such a provision as is made herein, should not find a place in the Regulation, but should be left to be provided for by rules and have therefore omitted it.

Old clause 55, Sub-clause (k)—New clause 54, Sub-clause (k).—The words "knowingly or" are inserted before "negligently" in this sub-clause, as these words are found in the corresponding provision in the Indian Penal Code, Section 289. We have also inserted the words "in any street" between the words "animal"

and "to attack," because the provision as it stands, is needlessly rigorous and may render it an offence to suffer a ferocious dog to be at large even within an enclosed compound, during nights, to guard against thieves and trespassers.

Old clause 63.—New clause 62.—This clause shows how instruments of gaming may be disposed of but not how moneys and securities for money found in a common gaming house and seized under clause 38 of the original bill—new clause 37—may be disposed of. We have therefore inserted the words "moneys, securities for money" after the word "all."

Old clause 76.—New clause 75.—We are of opinion that rewards granted by officers of Government and by private persons should also be brought under the operation of this section and have accordingly amended the clause.

Old clause 77.—New clause 76.—This clause is omitted as sufficient provision has been made in the Municipal Regulation for exempting Police Stations, etc., from payment of taxes and in case any further exemption is required in respect of police buildings intended for the occupation of the members of the Police Force, the necessary provision therefor should be left to be made by subsidiary rules.

Old clause 78, Sub-clause 3.—New clause 76, Sub-clause 3.—The period of one month is considered too short and is therefore extended to two months.

Old clause 78, Sub-clause 4.—New clause 76, Sub-clause 4.—The period of imprisonment fixed is quite disproportionate to the fine which may be imposed for the breach of the rules as an alternative punishment. We have therefore reduced it to eight days.

Old clause 81 (4).—*New clause 79* (4).—This is omitted as sufficient provision to the same effect already exists in the Civil Procedure Code.

The other amendments are unimportant or are consequential to those already mentioned.

We recommend that the Bill as amended by us may be passed into law.

BANGALORE,
21st January 1908.

V. N. NARASIMMIYENGAR,
Chairman.

M. C. RANGIENGAR.

B. NAGAPPA.

K. P. PUTTANNA CHETTY.

Note.—The portions within heavy brackets are the deleted portions of the original bill and those in italics are newly inserted.

THE MYSORE POLICE BILL.

(As amended by the Select Committee.)

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THE MYSORE POLICE BILL.

(As amended by the Select Committee.)

A Bill to Consolidate and amend the Law relating to the Police of Mysore.

Whereas it is expedient to amend the law relating to the Police of Mysore: His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. (1) This Regulation may be cited as the Mysore Police Regulation, 190 .

Extent.

(2) It extends to the whole of Mysore; and

Commencement.

(3) It shall come into force at once.

Repeal of enactments.

2. The enactments mentioned in Schedule A are repealed to the extent specified in the third column thereof.

All references made in any enactment in force to any enactment hereby repealed shall be read as if made to the corresponding portion of this Regulation.

All rules prescribed, appointments made, powers conferred, and orders and certificates issued under any such enactments shall, so far as they are consistent with this Regulation, be deemed to have been respectively prescribed, made, conferred and issued hereunder.

Rules as to Village Police.

3. (1) The Government may, from time to time, by notification in the official Gazette make rules having the force of law regarding the organization and regulation of the village Police in Mysore and may cancel, alter or add to such rules; and the Government may, by such rules, among other matters,

(i) provide, *subject to the provisions of the Village Offices Regulation*, for the entertainment of such village headmen, village watchmen, totis, talaris, and other establishments of village Police as may be necessary for each village or place, the appointment of permanent, temporary or acting incumbents for the said offices, and their remuneration;

(ii) define the relations of members of the village Police to one another and to the regular Police;

(iii) prescribe the powers and duties of village Police officers of different grades as regards the collection and communication of intelligence [regarding] *relating to* the condition of the community, the state of crime, the commission of offences, the occurrence of suspicious or unnatural deaths, and the like, *and as regards* the execution of processes, the apprehension of offenders or suspicious characters, the conduct of searches, the holding of inquests, the custody and disposal of unclaimed property, the investigation of offences, the examination of witnesses, the taking of precautionary measures against dangers to the public health, peace or safety,

the maintenance and charge of village boundary hedges and walls, gates, Chavadi and other buildings, and other matters;

(iv) require the inhabitants of villages to aid the village Police, when called upon to do so, in keeping watch and patrolling their villages at night, in preventing or resisting robbery or other cognizable offences, in pursuing or apprehending offenders, in the recovery of stolen property, in the maintenance of village fences and village gates in good order, and in carrying out other communal purposes of a like nature;

(v) define the ordinary powers of village headmen and the powers with which village headmen may be specially invested, in respect of the trial and punishment of offenders, and the procedure to be followed in the exercise of such powers;

(vi) provide for the punishment departmentally or otherwise of members of the village Police for misconduct or dereliction of duty; and

(vii) attach to the breach of any rule under this section a penalty on conviction before a Magistrate not exceeding one hundred rupees.

(2) Until such rules shall be made and published as aforesaid, the "Rules for the organization and regulation of the village Police in Mysore," published under the Notification of the Government of India, Foreign Department, No. 230 J., dated the 16th October 1872, and as subsequently amended from time to time, shall continue to be in force, and shall be deemed to be rules made under this section.

Definitions.

4. In this Regulation, unless there be something repugnant in the subject or context:—

"Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent," and "Assistant Superintendent."

(a) "Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent" and "Assistant Superintendent" mean, respectively, the Inspector-General of Police, a Deputy Inspector-General of Police, an Assistant Inspector-General of Police, a District Superintendent of Police and an Assistant Superintendent of Police appointed under this Regulation;

"District Superintendent."

(b) "District Superintendent" includes any Assistant Superintendent or other person appointed by general or special order of the Government to perform all or any of the duties of a District Superintendent of Police under this Regulation in any district or part of a district;

"Inspector."

(c) Subject to such rules and orders as the Government may pass, "Inspector" includes "Sub-Inspector" and "Jamadar;"

"Police Officer."

(d) "Police Officer" means any member of the regular Police force appointed under this Regulation;

"Constable."

(*e*) "Constable" means a Police officer of the lowest grade;

"District."

(*f*) "District" means a territorial division constituting a district for the purposes of the Mysore Land Revenue Code, 1888, and includes a portion of a district placed under the charge of a District Superintendent for the purposes of this Regulation;

"Taluk" and "Sub-Taluk."

(*g*) "Taluk" and "Sub-Taluk" mean, respectively, the local limits within which an Amildar and a Deputy Amildar ordinarily exercise revenue jurisdiction under the Mysore Land Revenue Code;

"Street."

(*h*) "Street" includes any highway and the way over any causeway, bridge, viaduct or arch, and any road, lane, footway, square, court, alley, or passage accessible to the public, whether a thoroughfare, or not;

"Common gaming-house."

(*i*) "Common gaming-house" means any building, enclosure, room [or] place, *or vehicle* in which, cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, or keeping such building, enclosure, room [or] place, or vehicle, whether by way of charge for the use of instruments of gaming, or of the building, enclosure, room [or] place, or vehicle, or otherwise howsoever;

"Cattle."

(*j*) "Cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

"Vehicle."

[*k*] (*k*) "*Vehicle*" *includes bicycles, tricycles, motor cars and every wheeled conveyance*;

Words and expressions defined in the Criminal Procedure Code.

(*l*) Words and expressions which are defined in the Code of Criminal Procedure have the same meaning as in that Code.

CHAPTER II.

ORGANIZATION OF THE REGULAR POLICE.

Constitution of Police force.

5. The entire Police establishment under the Government shall, for the purposes of this Regulation, be deemed to be one Police force and shall consist of such number of officers and men, and shall be enrolled and constituted in such manner, and receive such pay, as shall from time to time be ordered by Government.

Appointment of Inspector-General of Police;

6. (1) The Government may appoint an Inspector-General of Police for the direction and supervision of the Police force in Mysore.

and of Deputy or Assistant Inspector-General.

(2) The Government may appoint one or more Deputy or Assistant Inspectors-General of Police, to whom Government may assign such duties being amongst the lawful duties of the Inspector-General of Police, or in aid and furtherance thereof, as shall to Government seem expedient.

Their suspension or removal.

(3) The Inspector-General and Deputy or Assistant Inspector-General may be suspended or removed from office by Government.

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7. The Government may appoint for each district such Superintendents and Assistant Superintendents of Police as it may think expedient, and may dismiss, suspend, reduce, remove or transfer any of such officers as it may think fit.

Appointment of District and Assistant Superintendents.

8. The appointment of Inspectors shall, subject to the rules and orders of Government, vest in the Inspector-General.

Appointment of Inspectors.

9. Police officers below the grade of Inspector shall be appointed in each district by the Deputy Commissioner [and] *or by* the District Superintendent, subject to such rules as the Government may from time to time prescribe.

Appointment of Police officers below the grade of Inspector.

10. (1) An Inspector shall, on appointment, receive from the Inspector-General a certificate of appointment in Form I of Schedule B. *Such certificate shall become null and void whenever the person named therein ceases for any reason to be an Inspector and shall be forthwith surrendered by him.*

Certificates of appointment to be given to Inspectors.

(2) Every Police officer below the grade of Inspector shall, on enrolment, receive a certificate in Form II of Schedule B, from the Deputy Commissioner of the District in which he is enrolled.

Certificates of office to be given to Police officers below the grade of Inspector.

[11 (2) (*a*)] (*3*) Every certificate of [appointment] *enrolment* shall become null and void whenever the person named therein ceases forany reason to be a Police officer and shall be forthwith surrendered by him to any officer empowered to receive the same.

Such certificates when to become null and void.

11. (1) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a Police officer.

Powers, etc., of persons appointed as aforesaid.

(2) [(*b*)] A Police officer shall not, by reason of his being suspended from office, cease to be a Police officer, but during the term of such suspension, the powers, functions and privileges vested in him shall be in abeyance and he shall continue subject to the same responsibilities and subject to the same auhorities as if no such suspension had taken place.

Temporary suspension of powers, etc., of Police officers.

12. The Inspector-General shall be the head of the Police Department [and the adviser of Government in all matters connected with the Police.] He will exercise general control over the Police force and over crime—more particularly, organized and professional crime—and subject to the approval of Government he may make rules and orders under the provisions of Sections 24 and 25 of this Regulation.

General powers of the Inspector-General.

13. The Inspector-General of Police shall have the powers of a Magistrate of the 1st Class throughout Mysore, but shall exercise such powers *only in such cases and* subject to such limitations as may from time to time be imposed by Government.

Inspector-General to have magisterial powers; and to exercise them subject to limitations imposed by Government.

General powers of Deputy Commissioner.

14. Subject to the general control of the Inspector-General, the Deputy Commissioner shall be the head of the Police in his district, and shall, as such, direct and regulate all matters connected with the efficient discharge of their duties by the Police force of his district.

Powers of Superintendent.

15. (1) Subject to such rules and orders as may be made by Government in this behalf, and to the general control of the Deputy Commissioner, the District Superintendent may exercise all or any of the powers of the Deputy Commissioner under this Regulation; and without prejudice to the powers and responsibility of the Deputy Commissioner, the District Superintendent shall have direct control over all ordinary matters connected with :—

(*a*) Arms, accoutrements, clothing;
(*b*) Drill, exercise;
(*c*) Observation and surveillance of gangs, [K. Ds] *known depradators*, suspects; collection and communication of intelligence and information; identification of persons by finger prints or otherwise;
(*d*) distribution of duties and beats;
(*e*) education of men and officers in law[s; orders, and modes of], Police Procedure; and
(*f*) all other ordinary matters of a routine nature;

and may correspond direct with the Inspector-General in ordinary matters connected arms, accoutrements, clothing, drill and discipline, escorts, reports and returns, identification of persons by finger prints or otherwise, and other routine matters.

Powers of Amildar, Deputy Amildar and Inspector.

(2) Subject as aforesaid, the Amildar and Deputy Amildar shall be *ex-officio* Police officers within their revenue charges and shall have general powers of control over the Police and be responsible for the prevention and detection of crime and maintenance of order within such charges; and the Inspector shall be the executive head of the Police within his range, subject to the general control and direction of the Amildar or Deputy Amildar.

Deputy Commissioner may make necessary distribution of Police force.

16. Subject to the approval of the Inspector-General, the Deputy Commissioner may make such distribution or movement of the allotted Police force within his jurisdiction as may be found necessary to meet local requirements.

Appointment of Special Police officers.

17. When it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place or is reasonably apprehended and that the Police force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred, or is apprehended, it shall be lawful for [any] *the nearest* Magistrate [in the neighbourhood], on the application of any Police officer having authority in the place, not below the rank of officer in charge of Police Station, to

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appoint, by a written order signed by himself and sealed with his official seal, so many of the *fit and capable male* residents of the neigh-bourhood as may be required to act as Special Police officers for such time and within such limits as he shall deem necessary.

Powers and responsibilities of Special Police officers.

(2) Every Special Police officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer; but it shall not be necessary for him to receive a certificate of office under Section 10.

Employment of additional Police at request of persons showing the necessity therefor.

18. (1) The Inspector-General, or the Deputy Commissioner subject to the approval of the Inspector-General, may, on the application of any person showing the necessity therefor, depute any additional number of Police to keep the peace or to perform other Police duties at any place within [their respective] *his* jurisdiction.

Cost thereof.

(2) Such additional Police shall be *employed* at the charge of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as may be deemed necessary.

Proviso regarding relief from cost.

(3) Provided that, if the person upon whose application such additional Police are employed shall at any time make a written requisition to the Inspector-General or the Deputy Commissioner for the withdrawal of the said Police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as such officer shall determine.

Employment of additional Police near large works.

19. (1) Whenever it shall appear to the Inspector-General or the Deputy Commissioner that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any Railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place, necessitates the employment of additional Police at such place, such officer may, with the sanction of Government, depute such additional Police to the said place and keep the said Police employed there for so long as he shall consider necessary.

Cost thereof.

(2) Such additional Police shall be *employed* at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, at such rates and payable at such times as the Deputy Commissioner, with the sanction of Government, may prescribe.

Dispute as to payments of cost.

20. In the event of any dispute in any case under section 18 or section 19, the decision of the Deputy Commissioner shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may be levied as if it were an arrear of Land Revenue.

(ii) declare the local area, the inhabitants of which have, in his opinion, by their conduct caused or contributed *to such disturbed or dangerous state or* to the holding of such assembly;

(*b*) recover the amount so determined, in such proportions as he may think proper, from all or any of the inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons;

(*c*) award or apportion, all or any moneys so recovered to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

Exemption from liability pay compensation.

(3) It shall be lawful for Government, by order, to exempt any person from liability to pay any portion of such compensation.

Conditions under which compensation recoverable.

(4) No recovery shall be made and no compensation shall be granted under this section unless the Deputy Commissioner is satisfied that the person claiming compensation is himself free from [claim] *blame*, in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid.

Orders of Deputy Commissioner subject to revision.

(5) Every declaration, assessment and order made by the Deputy Commissioner under sub-section (1) shall be subject to revision by Government or by such officer as it from time to time empowers in this behalf, but save as aforesaid shall be final.

Bar to maintaining civil suit.

(6) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted *and received* under this section.

Recovery of rates and charges under Sections [20] *21* and [21] *22* by Deputy Commissioner.

23. Every tax imposed or rate assessed or amount recoverable by the Deputy Commissioner under the last two preceding sections or other provision of this Regulation, shall be recovered by the Deputy Commissioner as if it were an arrear of land revenue due by the person answerable therefor.

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

Framing of rules for administration of Police.

24. Subject to the orders of Government, the Inspector-General may, from time to time, make rules or orders not inconsistent with this Regulation or with any other enactment at the time in force—

(*a*) relating to the recruitment, organization, classification and discipline of the Police;

(*b*) regulating the inspection of the Police by his subordinates;

(*c*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police;

(*d*) for the institution, management and regulation of any Police fund for any purpose connected with the Police administration;

(*e*) regulating the distribution, movement and location of the Police;

(*f*) regulating the duties of Police officers of different grades;

(*g*) regulating the collection and communication by the Police of intelligence and information, and the investigation of crime;

(*h*) prescribing the books and registers to be maintained and the returns to be submitted by the several Police officers;

(*i*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

Inspector-General may make inspections and call for returns, etc.

25. The Inspector-General [of Police] may, subject to the rules and orders of Government, make periodical inspections of Police establishments and stations, and require from the Deputy Commissioner and other officers subordinate to him, returns, reports and statements, either particular or general, on subjects connected with the suppression of crime, the condition of the criminal classes, the maintenance of [the] order and the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police force, the utilization of auxiliary means, the performance by the Police of their duties, and all other matters in furtherance of his control of the Police force.

Punishment of Police officers departmentally for neglect of duty, etc.

26. (1) Any officer authorized by sub-section (3) in that behalf may suspend, reduce or dismiss any Police officer whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty, or unfit for the same, and may fine, to an amount not exceeding one month's pay, any Police officer below the grade of Assistant Superintendent who is guilty of any breach of discipline or misconduct which does not require his suspension or dismissal, or who, by any act of his own, renders himself unfit for the discharge of his duty.

Punishment under this section to be in addition to penalty under Section 33, [58] *57* or [59] *58*.

(2) Any punishment inflicted on a Police officer under this section shall be in addition to the penalty to which such officer is liable under Section 33, [58] *57* or [59] *58* of this Regulation or any other law in force.

Punitive powers of Inspector-General and Deputy Commissioner.

(3) The Inspector-General shall have authority to punish any Police officer below the grade of Assistant Superintendent [under Sub-Section (1)]. The Deputy Commissioner and the District Superintendent shall have each the like authority in respect of any Police officer subordinate to him below the grade of Inspector; and the Deputy Commissioner may suspend an Inspector who is subordinate to him, pending inquiry into [a] *any* grave complaint against such Inspector and until an order of the Inspector-General can be obtained. But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by Government in that behalf.

Procedure to be observed in awarding punishment.

27. (1) When any officer passes an order for fining, suspending, reducing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, [under his signature] in Kanarese or inEnglish, *and signed by him.*

[(2) In regard to appeals against the orders aforesaid, the final authority in the case of constables, shall be the Inspector-General, and in the case of all other officers, appeals may lie to Government.]

(2) *From all orders passed by the District Superintendent under sub-section (1), an appeal shall lie to the Deputy Commissioner. From the order of the Deputy Commissioner an appeal shall lie to the Inspector-General. In the case of all officers above the rank of constables, a further appeal shall lie to Government.*

Departmental punishment for insubordination.

28. (1) The Inspector-General or the Deputy Commissioner or any District Superintendent, [or Assistant Superintendent] may punish by confinement for a period not exceeding three days, any Police officer below the rank of jamadar or head constable who is, in his presence, grossly insubordinate or who is insolent to him.

Procedure to be observed in awarding such punishment.

(2) Every order for punishing a Police officer as aforesaid shall be recorded in the manner prescribed in Section 27, and a copy of every such order made by a Deputy Commissioner *or* District Superintendent [or Assistant Superintendent] shall be forwarded by him without delay to his immediate superior.

Police officers to be deemed to be always on duty and to be liable to employment in any part of Mysore.

29. Every Police officer shall, for all purposes of this Regulation, be deemed to be always on duty and may at any time be transferred to or employed on Police duty in any part of Mysore for so long as his services may be there required.

Police officer not to engage in trade, etc.

30. (1) Without the permission of the Deputy Commissioner or Inspector-General, or of Government, no Police officer shall engage in trade or be in any way concerned, either as principal or as agent, in any dealing in land within the district wherein he is employed or in any commercial transaction whatever, or bid for property sold by order of a Criminal Court, or have money transactions with another Police officer.

Police officers not to [be employed] *engage* on other than Police duties.

(2) No Police officer shall, unless with the written permission of the Inspector-General, hold any office, or practice in any profession, or engage in any employment whatever, other than his office or duties as such Police officer.

These prohibitions to apply also when Police officer is on leave or under suspension.

(3) The prohibitions in sub-sections (1) and (2) apply when a Police officer is on leave or under suspension as well as when he is on duty.

Under what conditions Police officer may resign.

31. (1) Unless with the written permission of the Deputy Commissioner or of some other Police officer empowered by the Inspector-General in this behalf, no Police officer of or below the rank of Inspector shall resign his office or withdraw himself from the duties thereof until—

(*a*) the expiration of two months after written notice of his intention so to do has been given by him to the Deputy Commissioner: and until—

(*b*) he has fully discharged any debt due by him, as such Police officer, to Government or to any Police fund.

Proviso.

(2) Provided that, if any such Police officer produces a certificate signed by the principal Medical officer in the district declaring him to be unfit, by reason of disease or mental or physical incapacity, for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as aforesaid.

Arrear pay of Police officer contravening this section may be forfeited.

(3) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the Deputy Commissioner, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under Section 33 of this Regulation or other law in force.

Certificate, arms, etc., to be delivered up by person ceasing to be Police officer, and

32. (1) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Deputy Commissioner to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

if not delivered up, may be seized under search warrant.

(2) Any Magistrate and, for special reasons which shall be recorded in writing at the time, any District Superintendent may issue warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up.. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, by a Police officer or, if the Magistrate or District Superintendent issuing the warrant so directs, by any other person.

Saving o certain articles.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalty for making false statement, etc.,

33. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or

and for misconduct of Police officers.

(2) any Police officer who—

(*a*) contravenes any provision of Section 30, or

(*b*) is guilty of cowardice, or

(*c*) resigns his office or withdraws himself from the duties thereof in contravention of Section 31, or

(*d*) is guilty of any wilful breach, or neglect of any provision of law or of any rule or order which, as such Police officer, it is his duty to observe or obey, or

(*e*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall *on conviction before a Magistrate* be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave.

(3) A Police officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave, shall, for the purposes of clause (*c*), be deemed to withdraw himself from the duties of his office within the meaning of Section 31.

Penalty for failure to deliver up certificate of appointment or of office or other article.

34. Any Police officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of Section 32, shall *on conviction before a Magistrate* be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

CHAPTER IV.

POLICE REGULATIONS.

Power of Government to make orders in matters under Section 144 of Criminal Procedure Code.

[35. It shall be competent for the Government to make by notification, any order which, if made by a Magistrate under Section 144 of the Code of Criminal Procedure, could be continued in force by Government under the said section.]

Rules may be made by District Magistrate regarding use of streets, etc.

[36] *35.* (1) In any town or other place in which he thinks fit the Magistrate of the District, may, from time to time and subject to such orders as may have been made by a Municipal or other authority empowered in that respect, make rules or orders—

(*a*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(*b*) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*c*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(*d*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*e*) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the streets or along certain specified streets, except [subject to] *under* such reasonable regulations as he may prescribe in that behalf;

(*f*) prohibiting the setting fire to or burning any straw or other matter, or [letting] *lighting* a bonfire or wantonly discharging a fire-arm or air-gun, or lighting off or throwing a fire-work or sending up a fire-balloon in or upon or within fifty feet of a street or building, or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except [subject to] *under* such reasonable regulations as he may prescribe in that behalf;

(*g*) prohibiting, except under such reasonable regulations as he may impose, the making of any excavation, the placing of building materials or other articles, or the fastening or detention of any horse or other animal in any street;

(*h*) regulating the blasting of rocks or the making of excavations in or near any street, and providing for the taking out of licenses for such operations;

(*i*) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or parts thereof and the corpses of persons [deceased];

(*j*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature;

(*k*) laying down such directions in cases of existing or apprehended epidemic or infectious disease of men or animals with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and [as to] the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been ordered or approved by Government with a view to prevent the disease or to check the spreading thereof;

(*l*) directing the closing or disuse wholly or for certain purposes, or limiting to certain purposes only, the use of any source, supply or receptacle of water; and providing against pollution of the same or of the water therein;

(*m*) regulating the hours during which and the manner in which any place for the disposal of the dead, any chattram, village gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(*n*) regulating the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the Magistrate, special regulations may be necessary for the public safety and convenience.

Manner of publication of such rules.

(2) Every regulation made under clause (*i*) or made under clause (*m*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages, and to the necessities of prompt disposal of the dead in certain cases. The rules [and], *orders and regulations* made under the several clauses of this section shall be published in one or more of the methods described below, to be determined by the Magistrate of the District with reference to the circumstances of each case :—

(*a*) by delivery of copy [of the rule or order] *thereof* to the [party] *person* concerned,

(*b*) by affixing notice of the same in such language *or languages* as may be found suitable at a conspicuous place or places in or near the building, platform, structure, street, locality, source of supply or receptacle of water, place for disposal of the dead, chattram, village gate, theatre or other place of public resort or amusement,

(*c*) by affixing such notice in the chavadi, Police station or Taluk Cutcherry or in more than one of these places,

(*d*) by publication of the same in the official Gazette, and if the Magistrate so direct, in local newspapers,

(*e*) by beat of tom-tom in such places and at such times as the Magistrate may prescribe.

Rules under clause (1) (*k*) to be reported to Government.

(3) Every rule promulgated under authority of clause (*k*) of sub-section (1) of this section shall be forthwith reported to Government and shall be in force for not more than [fifteen] *thirty* days unless extended by Government for longer period and in such case for so long as Government directs.

(4) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Discontinuance of brothels.

[37.] *36.* On complaint being made to a Magistrate of a District or of a Sub-Division that any house in a town or village in his district or sub-division to which the Government has by notification extended this section is used as a common brothel or lodging-house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period which shall be set forth in the order, to discontinue such use of it.

District Magistrate, etc., may authorise Police officer to enter common gaming-house.

[38.] *37.* If the Magistrate of the District or a First Class Magistrate or the District Superintendent of Police has reason to believe that any building, enclosure, room [or] place *or vehicle* [in any town or village,] is used as a common gaming-house, he may, either himself enter or by his warrant give authority to any Police officer

above the rank of a constable to enter with such assistance as may be found necessary, by night or by day and by force, if necessary, any such building, enclosure, room [or] place *or Vehicle* and to arrest all persons found therein, and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gambling, which are found therein, and to search all parts of such building, enclosure, room or place and also the persons found therein.

Issue of orders by Magistrates for prevention of disorder.

[39.] *38.* (1) The Magistrate of the District, or in his absence and subject to his order, any Magistrate of the First Class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, *for reasons which he shall record*, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the carrying, collection and preparation [s] of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, playing of music, delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law, or of a lawful authority.

Orders by subordinate Magistrate to be communicated to District Magistrate.

(2) An order made under this section by a subordinate Magistrate shall be forthwith communicated to the Magistrate of the District, who shall thereupon confirm, cancel or modify the same as shall seem expedient *stating his reasons therefor.*

Issue of orders by Magistrate of the District for prevention of riot or grave disturbance of peace.

[40.] *39.* In order to prevent an impending or apprehended riot or grave disturbance of the peace, the Magistrate of the District, or, in his absence [and subject to his control] any Magistrate of the First Class having local jurisdiction, *subject to the control of the District Magistrate*, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him.

Issue of orders by Magistrate of District for maintenance of order at religious ceremonials, etc.

[41.] *40.* (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition, or organized assemblage, in any street, as to which, or the conduct of or the participation in which, it

shall appear to the Magistrate of the District that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Orders to be subject to decrees, etc., of Courts.

(2) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Magistrate of the District that such order is inconsistent with any judgment, decree, injunction or order of such Court.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, etc.

[42.] *41.* (1) Whenever it shall appear to the Magistrate of a District, that any place in the district at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by [Police notice] prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom, as he shall deem necessary to prevent the outbreak [of such disease] or the spread [thereof] *of such disease.*

Levy of fees in such cases.

(2) It shall be lawful for the Magistrate of the District, subject to the orders of the Government, to assess and levy such reasonable fees on persons [falling under the provisions of sub-section (1)] *repairing to such place* as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

Recovery of expenses from municipalities.

(3) When the place of assemblage is within the limits of a municipality such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality.

Dispersal of gangs and bodies of persons.

[43.] *42.* Whenever it shall appear to the Magistrate of a District or to any Sub-Divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or to create reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself to such place by such route as such Magistrate shall prescribe.

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[44.] *43.* (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of *the* highest rank superior to that of constable, present in the town or village where such place of amusement is situate or such assembly or meeting is to be held, may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

Police to provide against disorder, etc., at public places of amusement and public meetings.

(2) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

Police to have free access thereto.

[45.] *44. (1) It shall be lawful for the City Magistrates in Bangalore and Mysore and for the Amildars elsewhere and also for any other officers specially authorised by Government, to issue licenses for the conduct of processions, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or along a street within their respective jurisdictions.*

Issue of licenses for the conduct of processions.

(2) *An appeal shall lie to the District Magistrate from an order granting or refusing a license under sub-section (1) and a further appeal to Government.*

Appeal against the orders granting or refusing such licenses.

[1](3) Any officer of Police not below the grade of an Inspector may, subject to any rule or order which may at any time be legally made by any Magistrate, or other authority duly empowered in this behalf—

Police to regulate assemblies, etc., in public streets.

(*a*) make rules for and direct the conduct of and behaviour or action of persons constituting assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which the same may pass; [and issue licenses therefor;]

[(*b*) regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street;]

[(*c*)] (*b*) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under Sections [36 to 43] *35 to 42* of this regulation.

[(2)] (*4*) Every rule and order made under *sub-section (3) of* this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.

Manner of publication of such rules and orders.

Powers with regard to assemblies, etc., violating such rules or orders.

[(3)] (5) Any Magistrate or any Police officer not below the *rank of an* officer in charge of a Police station may stop any procession which violates any such license, rule or order, and may order it or any assembly, moving crowd or assemblage which violates any such license, rule or order to disperse.

Assembly violating such orders to be deemed unlawful assembly.

[(4)] (6) Any procession or assembly or moving crowd or assemblage which neglects or refuses to obey any such license, rule or order given under [the last preceding sub-section] *this section* shall be deemed to be an unlawful assembly.

Provisions as to dogs.

[46]. *45.* (1) The Magistrate of the District, may, by public notice, extending to such place or places within the district as shall therein be named, require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the Police may, except as is hereinafter in sub-section (2) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner claims it, provides a proper muzzle, and pays all expenses connected with such detention.

When dogs may be destroyed or sold by Police.

(2) The Police shall not destroy any dog which wears a collar bearing a known owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

How expenses may be recovered.

(3) For the expenses incurred under the preceding sub-sections the owner of the dog shall be answerable as for an arrear of land revenue.

Provision in case of dog wearing collar with owner's address.

[(4) When any dog taken possession of by the Police wears a collar with the apparently genuine address of any person inscribed thereupon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address.]

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

Duties of Police officer.

[47.] *46.* (1) Every Police officer shall—

(*a*) promptly obey and execute every warrant or other order lawfully issued to him by competent authority; and shall by all lawful means endeavour to give effect to the commands of his superior;

(*b*) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and report such information and

take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of offences;

(*c*) to the best of his ability, prevent the commission of public nuisances;

(*d*) apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension there is sufficient reason;

(*e*) aid another Police officer when called on by him or in case of need, in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(*f*) discharge such duties as are imposed upon him by any law [relating to revenue or any other law at the time in force] *or rule having the force of law.*

Power to enter places of public resort without warrant.

(2) Every Police officer may subject to the rules and orders made by Government or by a person lawfully authorized, enter for the purpose of sub-section (1) without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking shop, or shop for the sale of intoxicating drugs or a place of resort for prostitutes and disorderly persons.

Power to search suspected persons in the streets.

(3) When in a street or place of public resort a person is suspected to be in possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof; and should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to Sections 523 and 525 of the Code of Criminal Procedure or other law in force.

Duties of Police officers towards the public.

[48.] *47.* It shall be the duty of every Police officer ——

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(*b*) to take prompt measures for procuring necessary help for any person under arrest or in custody, who is wounded or sick, and to have due regard to his condition whilst guarding or conducting him;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(*f*) to use his best endeavours to prevent any loss or damage by fire;

(*g*) to use his best endeavours to avert any accident or danger to the public.

Police to regulate traffic, etc., in streets; and

[49.] *48.* It shall be the duty of a Police officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions thereon and, to the best of his ability, to prevent the infraction of any

of the provisions of this Regulation or of any rule or order made thereunder or of any other law in force for observance by the public in or near the streets;

to keep order in streets and other public place; and

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship;

to regulate resort to public places.

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

Persons bound to conform to reasonable orders of Police.

(2) All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of the said duties.

Police officer may restrain or remove contumacious person.

(3) A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under Section [39, 40 or 41] *38, 39* or *40*.

[50] *49*. Whenever a notification has been duly issued under Section [39] *38* or an order has been made under Section [40] *39* or [41] *40*, it shall be lawful for any Magistrate or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification or order as aforesaid and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

Duty of Police to see orders issued under Section [42] *41* or [43] *42* carried out.

[51] *50*. It shall be duty of a Police officer to see that every regulation and notification made by the Magistrate of the District under Section [42] *41*, or by the Magistrate of the District or a Sub-Divisional Magistrate under Section [43] *42* is duly obeyed, to warn persons who, from ignorance, fail to obey the same, and to arrest any person who wilfully disobeys the same.

Police officer may take charge of stray cattle.

[52] *51*. A Police officer may take charge of any cattle which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of The Cattle Trespass Act.

Duty of Police with regard to unclaimed property.

[53] *52*. The Police shall take charge of all unclaimed property found by or made over to them, and shall forthwith report the same to the Magistrate having local jurisdiction, who shall deal with the property as if it were property falling under Section 523 of the Criminal Procedure Code.

[54] *53.* A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any other person lawfully acting under his command or authority.

Superior Police officer may himself perform duties imposed on his inferior, etc.

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

[55.] *54.* In any local area to which the Government by notification from time to time extends this section or any part thereof, whoever contrary thereto—

Punishment of certain street offences and nuisances.

(*a*) without lawful excuse drives along, or keeps standing in, any street a vehicle of any description at any time between three-quarters of an hour after sunset and one hour before sunrise, without a sufficient light or lights except when there is sufficient moon-light to render such light unnecessary;

driving on dark nights without light;

(*b*) without reasonable cause, drives, drags, or pushes any vehicle otherwise than on the near or left side of the road, or passes any vehicle except on the right side of it and at any speed higher than what may be prescribed by notification by Government;

disregarding the rule of the road;

(*c*) leaves in any street insufficiently tended or secured any animal or vehicle;

leaving cattle, etc., insufficiently tended;

(*d*) causes obstruction, injury, danger or alarm in any street, or mischief, by any misbehaviour, negligence or ill-usage in the driving, management or care of any animal or vehicle, or drives any vehicle or animal laden with timber, poles or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the District;

causing obstruction or mischief by animals;

(*e*) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public;

exposing animal for hire or sale, etc.;

(*f*) (i) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded or has to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose; or by leaving any vehicle standing or by fastening any cattle therein, or using any part of a street as a halting-place for vehicles or cattle or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time;

causing any obstruction in street;

(ii) or causes obstruction by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever contrary to any regulation made and published by the Magistrate of the District.

obstructing foot-way;

(*g*) causes obstruction on any foot-way, or drives, rides or leaves any animal or drives, drags or pushes any vehicle thereupon;

exhibiting mimetic, musical or other performances, etc.;

(*h*) exhibits, contrary to any regulation made and notified by the Magistrate of the District, any mimetic, musical or other performances of a nature to attract crowds, or carries or places bulky advertisements, pictures, figures, or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned;

gambling in street;

(*i*) assembles with others or joins any assembly *gathered* in a street [gathered] for the purpose of gaming or wagering;

doing offensive acts on or near public streets;

(*j*) (i) slaughters any animal or cleans a carcass or hide, except in some place set apart for the purpose by order of the District Magistrate or of some other person having lawful authority in that behalf;

(ii) obeys a call of nature or [permits] *causes* a child to do so, or bathes or washes his person in or near to and within sight of a street, so as to cause annoyance to the neighbouring residents or to passers-by;

letting loose horses, etc., and suffering ferocious dogs to be at large;

(*k*) negligently lets loose any horse or other animal, so as to cause danger, injury, alarm or annoyance to the public, or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal *in any street* to attack, worry or put in fear any person or animal;

bathing or washing in places not set apart for those purposes;

(*l*) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the District or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nalla or other source or means of water-supply in which such bathing or washing is forbidden by order of the Magistrate of the District or other person having lawful authority in that behalf;

defiling water in public wells, etc.;

(*m*) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or a part of a river, stream, nalla or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid;

obstructing bathers;

(*n*) obstructs or incommodes a person bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart;

(*o*) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office;

behaving indecently in public;

(*p*) is drunk and incapable of taking care of himself in a street or place of public resort;

being drunk and incapable;

(*q*) wilfully pushes, presses, hustles or obstructs any passenger in a street, or disturbs the public peace or order, by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle, or otherwise;

obstructing or annoying passengers in streets;

(*r*) uses in any street any threatening, abusive or insulting words or behaviour or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned;

misbehaviour with intent to provoke breach of peace;

(*s*) begs importunately for alms, or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street;

begging and exposing offensive ailments;

(*t*) throws or lays down any dirt, filth, rubbish, or any stones or building materials in any street, or causes any offensive matter to run from any house, factory, dungheap, or the like, into any street;

throwing dirt into the street;

(*u*) neglects to fence in or duly to protect any well, tank, or other dangerous place or structure;

neglecting to protect dangerous places;

(*v*) without the consent of the owner or occupier, affixes or causes to be affixed any bill, notice or other paper upon any building, wall or fence, or writes upon or defaces or marks any such building, wall or fence;

affixing bills or defacing walls;

(*w*) solicits or molests any passenger *in a street* for the purpose of prostitution;

soliciting for prostitution.

shall be punished with fine which may extend to fifty rupees, provided that imprisonment in default of payment of such fine shall not exceed eight days, notwithstanding anything contained in Section 67 of the Indian Penal Code.

[56.] *55.* (1) Whoever cruelly beats, goads, overworks, overloads, ill-treats or tortures, or causes or procures to be cruelly beaten, goaded, overworked, overloaded, ill-treated or tortured any animal, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Punishment for cruelty to animals.

(2) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than

the Second Class, unless such Magistrate be specially invested with jurisdiction for that purpose by the Government.

Penalty for refusal to serve as special Police officer.

[57.] *56.* Any person appointed a special Police officer under Section 17 who, without sufficient excuse, neglects or refuses to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, shall be punished with fine which may extend to fifty rupees.

Penalty for vexatious search, arrest, etc., by Police.

[58.] *57.* Any Police officer who,—

(*a*) without lawful authority or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place; or

(*b*) vexatiously and unnecessarily seizes the property of any person; or

(*c*) vexatiously and unnecessarily detains, searches, or arrests any person; or

(*d*) offers any unwarrantable personal violence to any person in his custody; *or*

(*e*) holds out any threat or promise not warranted by law to an accused person;

shall for every such offence be punished with imprisonment for a term not exceeding two months, or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delay in forwarding person arrested.

[59.] *58.* Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules under Section [36,] *35* or of directions under Section [49.] *48.*

[60.] *59.* Whoever—

(*a*) contravenes any rule or order made under Section [36,] *35* or

(*b*) opposes or fails to conform to any direction given by the police under Section [49] *48, or*

(*c*) abets the commission of any offence referred to in clause (*a*) or clause (*b*),

shall be punished with fine which may extend to fifty rupees.

Penalty for failure to comply with order under Section [37.] *36.*

[61.] *60.* Whoever fails to comply with an order made under Section [37] *36*, shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Penalty for opening, etc., common gaming-house.

[62.] *61.* (1) Whoever opens, keeps, or uses or permits to be used any common gaming house, or conducts or assists in conducting the business of any common gaming-house, or advances or furnishes money for gaming therein, shall be punished with [a] *imprisonment not exceeding three months, or with* fine not exceeding two hundred rupees, or *with* both [imprisonment not exceeding three months];

Penalty for being found gaming in common gaming-house.

(2) whoever is found gaming or present for the purpose of gaming in a common gaming house, shall be punished with *imprisonment not exceeding one month or with* fine not exceeding one hundred rupees, [or imprisonment not exceeding one month,] or *with* both.

Explanation 1.—Any cards, dice, gaming-table or cloth, board, or other instruments of gaming found in any building, enclosure, room, [or] place *or vehicle* entered, or searched, under the provisions of Section [38] *37* or on any person found therein shall be evidence that such building, enclosure, room, [or] place *or vehicle* is used as a common gaming house, and that the persons found therein were there present for the purpose of gaming although no play was actually witnessed by a Police officer or others.

Explanation 2.—It shall not be necessary, in order to convict any person keeping a common gaming-house or of being concerned in the management of any gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Explanation 3.—Any person found in any common gaming-house, during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Instruments of gaming may be ordered to be destroyed on conviction.

[63.] *62.* On conviction of any person for keeping common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by order of the Magistrate, and such Magistrate may order all *moneys, securities for money*, or any of the other articles seized or the proceeds thereof to be forfeited.

Indemnification of witnesses.

[64.] *63.* Any person who shall have been concerned in gaming contrary to this Regulation, and who shall be examined as a witness before a Magistrate on a trial of any person for a breach of any of the provisions of the Regulation relating to gaming and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Regulation for anything done before that time in respect of such gaming.

Saving of games of skill.

[65.] *64.* Nothing in Sections [38] *37* and [62] *61* of this Regulation shall be held to apply to games of mere skill wherever played.

Payment of portion of fine to informer or Police.

[66.] *65.* The Magistrate may award any portion, not exceeding one-half, of any fine which shall be levied under Section [62] *61* of this Regulation, and of the moneys or proceeds of articles seized and ordered to be forfeited under Section [63] *62*, to informers or Police officers who may have assisted in the detection of the offenders.

Penalty for setting birds and animals to fight in public street or place.

[67.] *66.* Whoever is found setting any birds or animals to fight in any public street, place or thoroughfare or is there present aiding and abetting such public fighting of birds and animals, may be arrested by any Police officer without a warrant, and shall be punished

wt h imprisonment for a term not exceeding one month or with fine not exceeding fifty rupees [or imprisonment for a term not exceeding one month] or *with* both.

[68.] *67.* Whoever is found between sunset and sunrise—

Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.

(1) armed with any dangerous instrument with intent to commit an offence, or

(2) having his face covered, or otherwise disguised, with intent to commit an offence, or

(3) in any dwelling house or any other building, or on board any vessel or boat, without being able satisfactorily to account for his presence there, or

(4) lying or loitering in any street, or other place, being a reputed thief, and without being able to give a satisfactory account of himself, or

(5) having in his possession without lawful excuse any implement of house-breaking,

may be arrested by any Police officer without a warrant, and shall be punished with imprisonment for a term not exceeding three months.

Penalty for contravention of rules or directions under [Sections 39, 40, 41, 44, and 45.] *38, 39, 40, 43 and 44.*

[69.] *68.* Whoever—

(*a*) disobeys an order lawfully made under Section [39, 40 or 41] *38, 39 or 40,*

(*b*) opposes or fails to conform to any direction given by the Police under Section [44,] *43* or—

(*c*) opposes and disobeys any rule made or direction given [by the Police] under Section [45,] *44* or—

(*d*) contravenes any condition of a license granted under clause [s (*a*) and (*b*)] (1) of the said section, or

(*e*) abets the commission of any offence referred to in clause (*a*), (*b*), (*c*), or (*d*), *of this section,*

shall be punished with fine which may extend to two hundred rupees.

[70.] *69.* Whoever contravenes or abets the contravention of any regulation made under Section [42] *41*, shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Penalty for contravention of regulation made under Section [42.] *41.*

[71.] *70.* Whoever opposes or disobeys any direction given by a Magistrate of a District or a Sub-Divisional Magistrate under Section [43] *42*, or abets opposition to, or disobedience of any such direction, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Penalty for contravention of direction given under Section [43.] *42.*

[72.] *71.* Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under Section [50] *49*, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Penalty for opposing or not complying with direction given under Section 50.

Jurisdiction when offender is a Police officer above the rank of constable.

[73]. *72.* Offences against this Regulation when the accused person or any one of the accused persons is a Police officer above the rank of constable, shall not be cognizable by a Magistrate below the Second Class.

Prosecution for certain offences against Regulation to be at discretion of Police.

[74]. *73.* It shall not, except in obedience to a rule or order made by the Government or by the Magistrate of the District, be incumbent on the Police to prosecute for an offence punishable under Section [55, 56, 60, 61, 69, 70, or 71,] *54, 55, 59, 60, 68, 69 or 70* when such offence has not occasioned serious mischief, and has been promptly desisted from on warning given.

Prosecution for offences under other enactments not affected by Regulation.

[75]. *74.* Nothing in this Regulation shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Regulation or from being prosecuted and punished under this Regulation for an offence punishable under any other enactment: Provided that all such cases shall be subject to the provisions of Section 403 of the Code of Criminal Procedure.

CHAPTER VIII.

MISCELLANEOUS.

Disposal of rewards, etc., payable to Police officers.

[76]. *75.* All sums paid for the service of process by Police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers or are awarded to them by Magistrates *or granted by officers of Government or others* shall, except as hereinafter in this section provided, be credited to Government: Provided that, with the sanction of Government, or under any rule made by Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to Police officers or other persons.

No Municipal or other rates to be payable by Government on Police buildings.

77. [No Municipal or other local rates shall be payable by the Government on account of the occupation or use of any house or place by members of the Police force for the convenient performance of their duties.]

Power of Government to make rules.

[78]. *76.* (1) The Government may make rules consistent with this Regulation for more effectually carrying out the objects thereof and may, from time to time, repeal, alter or amend such rules.

Surveillance, etc., of criminal gangs.

(2) Such rules may, among other matters, provide for the registration, surveillance, and control of gangs or classes of persons believed to be addicted to the systematic commission of crime, and for the recording of finger-impressions by the Police of any person who—

(a) is in custody for a non-bailable offence, or

(b) has no settled abode and is suspected to be addicted to crime, or

(c) is a member of a gang or class of persons generally addicted to crime.

Publication of rules.

(3) Every rule under this section shall be published in the official Gazette in English and Kanarese, and shall come into effect [one month] *after two months* from the date of its first publication.

Penalty for breach of rules.

(4) For every breach of any such rule, the offender shall, on conviction, be punished with *imprisonment not exceeding eight days or with* fine not exceeding ten rupees, [or imprisonment not exceeding one month.]

Method of proving orders and notifications issued under Regulation.

[79]. *77.* Any order or notification published or issued by the Government or by a Magistrate or officer under any provision of this Regulation, and the due publication and issue thereof may be proved by the production of a copy thereof in the official Gazette, or of a copy thereof signed by such Magistrate or officer and by him certified to be a true copy of an original, published and issued according to the provisions of the section of this Regulation applicable thereto.

Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.

[80.] *78.* No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient for any defect of form or *in* publication or any irregularity of procedure, *unless such defect or irregularity has prejudicially affected the person concerned.*

No Magistrate or Police officer to be liable to any penalty *or* damages for act done in good faith in pursuance of duty.

[81.] *79.* (1) No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance [or intended pursuance] of any duty imposed or any authority conferred on him by any provision of this Regulation or of any rule, order or direction lawfully made or given thereunder.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(2) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by the Government, or by a person empowered in that behalf under this Regulation or any rule made under any provision thereof.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if instituted after one year.

(3) In any case of an alleged offence by a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Magistrate, Police officer or other person, by *reason of* any act done under colour or in excess of any such duty, or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted [more than] *after* one year [after] *from* the date of the act complained of.

Tender of amends.

(4) [No plaintiff shall recover in any such suit if tender of sufficient amends shal have been made before the institution of such suit, or if a sufficient sum of money shall have been paid into Court after institution thereof, by or on behalf of the defendant, and, though a decree shall be given for the plaintiff in any such suit, such plaintiff shall not have costs against the defendant, unless the Court shall certify its approbation of the suit].

Regulation not to affect any law relating to municipalities.

[82.] *80.* Nothing in this Regulation shall affect any of the provisions of any law in force relating to municipalities.

SCHEDULE A.

(*See Section 2.*)

ENACTMENTS REPEALED.

Number and year of enactment	Title or subject	Extent of repeal
V of 1861 ...	An act for the Regulation of Police (as extended to the town of Bangalore by Government of India Notifications No. 385, dated the 11th December 1866, and No. 322—I. J., dated the 19th November 1879).	The whole.
III of 1867 ...	For the punishment of public gambling and the keeping of common gaming-houses (as extended to the town of Bangalore by Government of India Notification No. 240, dated the 11th December 1867).	The whole.
1872 ...	Regular Police Rules, published under Government of India Notification No. 230 J., dated the 16th October 1872.	The whole, with the exception of the provisions prescribing diaries, books, registers, returns and reports, so far as they are not inconsistent with this Regulation or Rules framed thereunder.

SCHEDULE B.

(See Section 10.)

Form I.

FORM OF CERTIFICATE FOR INSPECTOR OF POLICE.

The seal of the Inspector-General of Police in Mysore.

*A. B.** has been appointed an Inspector in the Mysore Police Force.....and is vested with the powers, functions and privileges of a Police officer under the Mysore Police Regulation 190

Dated the.....

(*Signature*)
Inspector-General of Police.

*Particulars :—

Father's name.....
Race, religion, caste.....
Native place.....
Age.....
Length of previous service, if any } .....

Form II.

Form of Certificate for Police Officer below the grade of Inspector.

Seal of the Deputy Commissioner of the District.

*A. B.** has been appointed to the Police Force, Mysore, and is vested with the powers, functions and privileges of a Police officer under the Mysore Police Regulation, 190

Dated the.....

(Signature)
Deputy Commissioner.

Particulars :—

Father's name.....
Race, religion, caste.....
Native place.....
Age.....